



Yugoslavia, Federal Republic of

Country Reports on Human Rights Practices - [2001](#)

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(The report on the Federal Republic of Yugoslavia is discussed in three separate sections on Serbia, [Kosovo](#), and [Montenegro](#) and addresses human rights situations in each of these entities. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, the human rights situations in Kosovo and Montenegro are dealt with in separate sections following this report.)

The Federal Republic of Yugoslavia (Yugoslavia), a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. Vojislav Kostunica was elected President of the Federation in elections held on September 24, 2000 that were closely contested; President Slobodan Milosevic ultimately was unable to manipulate the elections. Massive public protests forced Milosevic to recognize his defeat and cede power on October 6, 2000. Under the constitutional framework, the Federation encompasses the Republics of Serbia and Montenegro; however, the Montenegrin Government has refused to participate in many of the functions of the Federal Government and has acted unilaterally in several areas. The Federal Government presides over a weakened structure, with responsibilities essentially limited to the Foreign Ministry, the Yugoslav Army (VJ), the Customs Administration, civil aviation control, and foreign economic and commercial relations. Although President Kostunica enjoyed wide popular support, significant power was concentrated at the republic level where, in Serbia, Prime Minister Djindjic exercises significant executive authority. Djindjic also has represented Serbia in discussions and negotiations with the international community. In Montenegro President Milo Djukanovic leads a coalition that exercises executive authority (see Montenegro annex). The judiciary remained subject to some political influence.

The Yugoslav military (the VJ) is formally under the control of the Supreme Defense Council, made up of the Presidents of Yugoslavia, Serbia, and Montenegro; however, in practice the military Chief of Staff reports directly to the President of Yugoslavia, and is subject to little other civilian oversight. The Federal Government also controls a small police detachment for security of federal buildings and officials. The Interior Minister of the Republic of Serbia controls the powerful Serbian police, a force of approximately 80,000 officers, many of whom also served under former President Milosevic. The Serbian police are responsible for internal security and border checkpoints. In March the North Atlantic Treaty Organization (NATO) approved a program, drafted by Deputy Prime Minister Nebosja Covic, to allow the gradual reentry of the Yugoslav Joint Security Forces--VJ and Serbian police--into the ground safety zone (GSZ), which began in March and was completed on May 31. The GSZ had been created in June 1999 when NATO and Yugoslav officials signed the Kumanovo Agreement, ending NATO action against the country. Under the agreement, the GSZ was created around Kosovo as a buffer zone to minimize the potential for accidental conflict; Yugoslav and Serbian security forces were excluded from the GSZ. The GSZ unintentionally became a safe haven for armed ethnic-Albanian groups, including the insurgency group known as the Liberation Army of Presevo, Bujanovac, and Medvedje (UCPMB). The security forces committed some human rights abuses.

Economic performance remained weak due to general inefficiency in the economy and corruption. Lack of purchasing power, high unemployment and underemployment, and high inflation sharply restricted the consumer base. While damage to infrastructure and to the refineries from NATO's bombing in 1999 gradually was being repaired, transportation within and through Serbia remained a problem. Overall unemployment was estimated at approximately 30 percent. The country's population was approximately 10,662,000 and per capita GDP was approximately \$988. The general level of corruption in society remained high. Although the agricultural sector was undercapitalized, Serbia was self-sufficient in food. The private sector was widely evident throughout the country. A significant reform of the tax system was implemented during the year and the Serbian Government assessed a special "extra profit tax" on numerous companies and individuals who allegedly made excess profits under the Milosevic regime. Foreign aid is an important source of Government

revenue, and the Government uses it to repair infrastructure and to care for a large population of refugees and internally displaced persons (IDP's).

The Government generally respected the human rights of its citizens in many areas and its overall human rights record improved significantly over that of the Milosevic regime; however, some serious problems remained. Police at times beat detainees and abused and harassed citizens, particularly Roma. Arbitrary arrest and detention were problems. The Government continued to hold numerous Kosovar Albanian political prisoners incarcerated under Milosevic; however, it released over 1,700 of these prisoners since 2000. The judiciary remained subject to political influence, although to a lesser extent than it had been under the former Milosevic Government. The Government at times infringed on privacy rights and monitored telephone, mail, and e-mail communications. Police at times intimidated journalists, and the Government continued to exert influence over the media. Many journalists continued to practice self-censorship. During the year, the Serbian Government transferred indicted war criminal Slobodan Milosevic and several other indictees to the International Criminal Tribunal for the former Yugoslavia (ICTY) and provided access to some archives; however, the Government was at times unresponsive to the ICTY's requests for arrests and for information. Violence and discrimination against women were problems. There were several incidents of societal violence or discrimination against religious minorities. Violence and discrimination against Roma and other ethnic minorities were problems. Relations between Serbs and Albanians in southern Serbia improved following the successful resolution of the conflict in that region. Trafficking in persons was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports during the year of political killings committed by the Government or its agents.

Government forces killed some combatants as a result of tensions that escalated during the year in the region of southern Serbia that borders Kosovo and encompasses the municipalities of Presevo, Bujanovac, and Medvedja. The majority of the population in the region is ethnic Albanian. In November 2000, four Serbian policemen were shot and killed outside the village of Lucane (5 kilometers outside the town of Bujanovac), which precipitated a crisis in the region early in the year between the Government and the UCPMB. During the conflict, Federal and Serbian authorities killed less than 35 combatants. For example, on March 24, Serb authorities killed an ethnic Albanian UCPMB member near Konculj. On May 24, VJ troops killed UCPMB leader Ridvan Qazimi, known as Commander Leshi, in an exchange of fire in the GSZ; the VJ stated that Leshi's killing was accidental.

UCPMB forces killed approximately 10 ethnic-Albanian civilians during the conflict. In May UCPMB landmine explosions killed several Serb children. UCPMB forces killed approximately 30 VJ soldiers and police officers during the conflict. For example, on January 28, UCPMB forces killed a VJ soldier. On February 18, a landmine planted by the UCPMB killed three Serbian police officers near Lucane. In late February an unknown assailant believed to be a member of the UCPMB killed two policemen in the GSZ. On March 7, a landmine allegedly planted by the UCPMB killed two VJ soldiers. On August 3, an unknown assailant believed to be a member of the UCPMB killed two policemen in the GSZ and wounded two others.

In the autumn, the court began hearings on the October 1999 attempted killing of opposition leader Vuk Draskovic that resulted in the deaths of four persons, and which many believe was staged by the Serbian Security Service (RDB). Rade Markovic, former head of the RDB, former Belgrade Serbian Security Service chief Milan Radojnic, and two minor security service officials were charged for involvement in the crime. Their trial was ongoing at year's end.

At the end of May, Federal and Serbian Government authorities began exhuming five mass grave sites discovered near the towns of Batajnica, a suburb of Belgrade, and Petrovo Selo, in eastern Serbia. More than 300 bodies were recovered during the year; an estimated 700 bodies are expected to be found. The victims were assumed to be ethnic Albanian men, women, and children, most likely victims of 1999 massacres by the Yugoslav police and army in and around Pec in Kosovo. The process of identifying these bodies has been delayed by administrative issues; however, observers noted that some members of the security forces may be encouraging delays due to their involvement in the original crimes. It is speculated that there are additional bodies located at the bottom of Lake Perucac in western Serbia, as well as a number of bodies believed to be buried under a highway near Vranje. In July during the Serbian Government's exhumation at Petrovo Selo, police discovered three bodies preliminarily identified as Agron, Ylli, and Mehmet Bytyci. In August Serbian authorities requested and received help from the international community in establishing the positive DNA identification of the remains. The Bytyci brothers disappeared in 1999 after being delivered from a Serbian

prison into the hands of unidentified Serbian police officers. The investigation into their killings remained ongoing at year's end.

In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials (see Section 4). During the year, the indictment against Milosevic was broadened to include crimes committed during the mid-1990's in Bosnia and Croatia.

During the year, the Serbian government arrested several former officials from the Milosevic regime, including the former head of Milosevic's RDB Radomir Markovic in February. Approximately 200 members of the VJ and 100 police officers have been suspended or detained pending investigation of crimes committed in Kosovo. The charges against them included killings, bodily harm, and endangering lives, dignity, morale, and property. Despite these arrests, there are a number of officials in the military and police, some in high positions, who served in Kosovo, Bosnia, and Croatia and who reportedly were involved in criminal activity, including killings, during those campaigns. Their continued presence in such positions raises questions about the Governments' willingness to confront the issue of impunity.

In addition to the UCPMB, other armed extremist ethnic-Albanian groups with unknown ties were responsible for killings in southern Serbia. In August in Muhovac, a town on the boundary line with Kosovo, an extremist ethnic Albanian group known as the Albanian Liberation Army claimed responsibility for the killing of two Serbian policemen. In early November, unknown persons believed to be ethnic Albanian extremists shot and killed the 4-year old son and wife of an ethnic Albanian police candidate while he was driving in his car. Police were investigating the killing at year's end, but the victim has declined to provide information.

On August 13, unknown assailants killed former State Security officer Momir Gavrilovic. The media alleged that Gavrilovic's death was in some way connected to a number of visits he made to President Kostunica or his staff immediately prior to his death. The police investigation into the killing had made no progress by year's end.

Police investigations remained pending in numerous cases of political killings from previous years, including the November 2000 killing of Nebojsa Simeunovic, a former criminal judge; the April 2000 killing of Zivorad Zika Petrovic, the former Director of Yugoslav Airlines; the February 2000 killing of Pavle Bulatovic, the former Yugoslav Minister of Defense; the April 1999 killing of independent journalist and publisher Slavko Curuvija; and the 1997 killing of Radovan Stojicic, former head of Serbian public security.

On October 26, a Belgrade Court sentenced former policeman Dobrosav Gavric to 20 years in prison and two of his associates to 15 years each for the January 2000 killing of indicted war criminal Zeljko Raznatovic, also known as "Arkan."

b. Disappearance

There were no reports of politically motivated disappearances during the year.

In August 2000, former Serbian President Ivan Stambolic disappeared while on a daily jog in a park near his home in Belgrade. Many observers noted that the timing of Stambolic's disappearance (only a few weeks ahead of scheduled elections), and the fact that the state-run media remained largely silent on the incident, suggested complicity by the Milosevic regime and the Serbian security service. The Serbian State Prosecutor's office began an investigation of Stambolic's disappearance in November 2000; however, it had not yielded any results by year's end.

Federal and Serbian government authorities began to cooperate with international organizations investigating disappearances and mass graves; however, progress was slow.

c. Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment

Yugoslav and Serbian law prohibit torture and other cruel forms of punishment and there were no reports of systematic abuse; however, police at times beat citizens and detainees, particularly Roma. The Serbian Republic has amended its criminal law to strengthen provisions prohibiting acts of torture.

On May 7, in Ravno Selo, police arrested two Roma men and beat them with clubs in an attempt to force them to confess to stealing. The Humanitarian Law Center filed a complaint with the Municipal Prosecutor's Office in Backa Topola, Vojvodina; however, on May 25, the prosecutor's office dismissed the complaint. On May 11, in Backa Palanka, three police officers beat a Roma man. On May 25, unidentified police officers beat Nenad

Filipovic in Kragujevac, first in the presence of his children and then at the local police station. Filipovic, an asthmatic, was detained for 5 hours and suffered an intense asthma attack but was forbidden to use his inhaler. In July police arrested an 11-year-old Romani boy and beat him on the palms and struck him with a nightstick during questioning; he later was released. On August 23, a police officer struck and threatened a 17-year-old Gorani boy in the open air market in central Belgrade. In late August, police beat a Rom, Dusan Jovanovic, reportedly because he touched their police car. In September police in Novi Sad broke the arm of a 14-year-old Roma boy and beat some of his friends. On October 2, Ljubomir Djurkovic, a diabetic, suffered violent blows while in police detention. On October 23, police abused three ethnic Albanians who were attempting to cross the Macedonian border, apparently smuggling cattle; they subsequently were released. In none of these cases has any reported legal action been taken against the police.

Incidents of police harassment against the ethnic Albanian population in southern Serbia, a serious problem in the past, decreased during the year; however, occasional incidents continued to occur. During the re-entry of the GSZ (see Section 1.a.), there were incidents of police abuse. On May 25, police vandalized ethnic Albanian homes in the village of Kurbalija. The Humanitarian Law Center reported that on October 26, a group of 20 policemen beat, kicked, and harassed three ethnic Albanians from Presovo. In both cases, the Government disciplined the police officers involved, and several dozen Serb police officers were dismissed. Nevertheless according to ethnic-Albanian groups, since May Albanians have felt increasingly safe from police interference. There is a conspicuous police and military presence on the streets of the major towns, in large part because of credible threats of violent acts by ethnic-Albanian separatists.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations into incidents of police brutality. Investigations into many past abuses were slow and often not transparent. There were occasional reports of cases of assault by police officers that did not go to court due to intimidation of the victims by police. However, in one instance, in May the County Court in Nis found two Serbian policemen guilty of incitement to racial hatred for attacking Dragisa Ajdarevic, a Roma boy, and the policemen were sentenced to 6 months' imprisonment.

Local border guards facilitated trafficking in persons (see Section 6.f.).

Ethnic Albanian extremists also committed abuses. In March the UCPMB detained and allegedly abused four Serb civilians from Vranje and two VJ soldiers. The civilians were detained for 45 days.

On January 28, an unknown assailant shot and wounded the driver for State Security Chief Goran Petrovic. On February 16, unidentified assailants shot at the vehicle of Interior Minister Dusan Mihajlovic. Both shootings were interpreted as warnings from organized crime groups against police reform.

Prison conditions generally meet international standards; however, overcrowding remained a serious problem. The Helsinki Committee for Human Rights, which visited prisons during the year, reported that, while conditions were not ideal, there has been an overall improvement since the prison riots that occurred in November 2000. The Government has improved living conditions and provides adequate food, medical care, and heating. Unlike in previous years, there were no reports of physical abuse, torture, or beatings of prisoners. Ethnic-Albanian political prisoners were housed in conditions similar to those of Serb prisoners; however, the Humanitarian Law Center (HLC) reported that there was at least one ethnic-Albanian prisoner who suffers from a medical problem not treatable in prison and that prison authorities have not been cooperative in arranging adequate medical care for him. Men and women are held separately, and conditions in women's prisons are the same as in men's prisons. Juveniles are held separately from adults. Unlike in the previous year, there were no reports of ethnic-Albanian minors being held in the country's prisons. Political prisoners are held in sections of regular prisons; for example, Albanian political prisoners were held in jails in Nis, Smederevo, Zrenjanin and other localities. Pretrial detainees are held separately from convicted prisoners.

The Government permitted visits by independent human rights monitors. In the beginning of the year, the Humanitarian Law Center obtained permission to visit all of the prisons in Serbia; in June the Helsinki Committee for Human Rights in Serbia also obtained permission for such visits. By year's end, the Helsinki Committee had visited three prisons: the Belgrade Prison, the Krusevac facility for youthful offenders, and the penitentiary at Sremska Mitrovica. Helsinki Committee representatives were allowed to speak with prisoners without the presence of a prison warden.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, police at times arbitrarily arrested and detained citizens. Defense lawyers and human rights activists complained of excessive delays by authorities in filing formal charges against suspects and in opening investigations.

Federal statutes permit the police to detain criminal suspects without a warrant and to hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. After this period, police must turn over a suspect to an investigative judge who may order a 30-day extension of detention and, under certain legal procedures, subsequent extensions of investigative detention for up to 6 months. Lawyers were able to visit detainees, and unlike in previous years under the Milosevic regime, judges allowed defense attorneys to read court files.

The police continued the practice of detaining citizens at times for "informative talks." For example, on May 29, state security agents detained and questioned NGO activist Milos Cvorovic about his contacts with Kosovo Albanians. On July 12, police detained Predrag Radojevic, a reporter from Valjevo for the newspaper Blic, and subjected him to an "informative talk" about his work as a journalist. Radojevic had written articles about the presence of the mafia in Valjevo in previous months. On August 14, police detained the editor-in-chief of Blic, Veselin Simonovic, following the publication of an article about the killing of Momir Gavrilovic, a state security agent (see Section 1.a.).

The Constitution prohibits forced exile, and the Government did not use it during the year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the independence of the judiciary improved during the year; however, Government officials and politicians exercised influence on the judiciary and judicial corruption remained a problem, although to a lesser extent than it had been under the former Milosevic government. In November the Government of the Republic of Serbia passed new laws reorganizing the Serbian judiciary to separate the judicial branch from undue executive branch influence.

The court system is made up of local, district, and Supreme Courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which Republic Supreme Court decisions, depending on the subject, may be appealed. There also is a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the republics' authorities to enforce its rulings. The Constitutional Court remained staffed by some judges appointed by Milosevic.

Since 1998, republic-level judges have not served for life and have been required to seek office periodically through elections. This process involves obtaining Justice Ministry approval for each judge's candidacy. In the past, local observers feared that this system in effect made judges functionaries of the Government, which easily could remove judges from the bench by refusing to approve judicial candidacies. However, the new laws on the judiciary establish an independent body to appoint judges and give the judicial branch decisive control over hiring assignments and discipline.

Many of the judges appointed under Milosevic remained in place. In the beginning of the year, Justice Minister Vladan Batic announced the "cleansing of the judiciary," which included dismissals of the Presidents of the Constitutional and Supreme Courts of Serbia and other senior judicial figures. On November 2, Minister Batic announced the dismissal of 128 judges and 69 magistrates on the grounds of general incompetence; of these, 58 were accused of involvement in electoral fraud, political trials, and the illegal expropriation of real estate. On November 15, the Government dismissed 21 magistrates, most of them from Belgrade, who had fined and convicted media representatives under the Milosevic regime, using the Public Information Act, which has since been repealed (see Section 2.a.).

Many legal scholars have expressed concern about the 1998 Act on Lawyers, which they believe restricts the freedom of lawyers and interferes with the independence of lawyers in their dealings with clients. This law remained in effect at year's end.

Under Federal law, defendants have the right to be present at their trials and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. Both the defense and the prosecution have the right to appeal a verdict. Defendants are presumed innocent.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remained in force. Considerable confusion and room for potential abuse remained in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. The Serbian Constitution, which is considered to be weak in human rights protections, remained in force.

Under Milosevic, the Government convicted in flawed trials and imprisoned approximately 1,900 ethnic Albanians, pursuing cases brought against them under the Yugoslav Criminal Code for jeopardizing the

territorial integrity of the country or for conspiring or forming a group with intent to commit subversive activities (undermining the "constitutional order"). Most of the cases involved alleged violations under Article 136 of the Federal Penal Code related to "association to conduct enemy activity," or Article 125 concerning "terrorism." In February the Government passed an amnesty law that released most prisoners convicted under Article 136; however, the amnesty did not cover those imprisoned under Article 125. In December 173 persons remained in prison; of these, 90 were ethnic Albanian political prisoners. The remaining 83 were convicted of common crimes. During the year, most prisoners, including the 143-person Djakovica group, who were convicted in a mass trial in 1999, were released, either through appeal, amnesty, or, in some cases, completion of sentence. The 90 remaining alleged political prisoners from Kosovo were convicted in unfair trials under Article 125 and Article 136 during the Kosovo war. All of these cases require review, as the court procedures used in their trials and the charges brought against them under the Milosevic regime were highly suspect. One of the prisoners is severely mentally handicapped. According to the HLC, the remainder of the prisoners transferred to Serbian jails were common criminals convicted of crimes such as murder, rape, and armed robbery. In November the Governments of Yugoslavia and Serbia signed an agreement (Common Document) with the U.N. Mission in Kosovo (UNMIK) that, among other things, made provisions for the review of all of these cases and for the transfer of Kosovar Albanian prisoners to Kosovo, where they would continue to serve their sentences if the evidence supports the original convictions. At the end of the year, the Serbian Government and UNMIK were in the process of finalizing the implementation of that agreement.

Ukshin Hoti, leader of UNIKOMB, a political party that advocated Kosovo's unification with Albania, was released from prison in May 1999 but reportedly disappeared after his release.

In May the Government granted amnesty to former members of the UCPMB on the condition that they not take up arms against the Government; by year's end many former UCPMB members had disarmed and had begun reintegrating into society.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits these practices; however, the Government at times infringed upon these rights. Federal law gives the Federal Ministry of the Interior control over the decision to monitor potential criminal activities; Republic-level laws give the Republic Ministries of the Interior the same control. Although there is no direct evidence, some observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones. Although illegal under provisions of Federal and Serbian law, the Federal post office also was believed to register and track suspicious mail from abroad.

The Federal Constitution includes restrictions on searches of persons and of premises; similarly under the Serbian Constitution, police must enter a premise with a warrant, or if no warrant is obtained, they may enter in order to "save people and property." Both the Federal and Republic Governments respected these provisions in practice.

In April the Government announced that it planned to open all secret files on persons to the public, but 1 week later a new decree declared that only files not marked "secret" would be released. Ivan Jankovic, a well-known human rights lawyer, managed to gain access to his file and found that it included no documents less than 10 years old.

A government law requiring military service was enforced only sporadically, and there were no forced conscriptions during the year. An amnesty law passed on February 26, has permitted the return of many persons who left the country to avoid military service during the recent conflicts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

Federal law provides for freedom of speech and of the press; however, police at times harassed journalists and the Government, in particular various political factions, continued to exercise influence over the media.

In October 2000, the Government abolished the Law on Public Information, which former President Milosevic used to silence the independent media during the Kosovo war. However, no law to replace it had been enacted by year's end. In August draft legislation was prepared by a team of experts (with international assistance), covering the media, frequencies and privatization, but the legislation remained under government consideration at year's end. The continuing lack of clear guidelines is perceived by some observers to constitute an inhibition on free expression. Media independence remained a problem. Political parties

continued to compete for position and influence in the media. The media practiced self-censorship and was reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo.

Libel remained a criminal offense. On March 2, Belgrade's First Municipal Court sentenced Politika reporter Radovan Pavlovic to 3 months imprisonment for libel against former VJ general Vlada Trifunovic; the sentence subsequently was suspended. On November 23, police investigators visited the editors-in-chief of Reporter and Blic and interrogated them about an article published by Reporter listing the names of Yugoslav and Serbian police officials that the ICTY was investigating. The police allegedly invoked two Milosevic-era laws in an attempt to pressure the journalists into divulging their sources.

Media outlets lack professionalism. After more than 1 year in power, the new Government still has no policy for dealing with media outlets that flourished during the Milosevic era, and these outlets have taken the views of various competing political parties.

Tanjug is the state-owned news agency. The Government also owns Borba, which controls one of the most important printing houses in the country, and publishes the dailies Borba, Sport, and Vecernje Novosti. The oldest nationwide daily, Politika, is run by several state-run companies and is influenced by the Government. The independent daily Danas and the weeklies Vreme and Nin supplement the high-circulation tabloids Blic and Glas Javnosti for readership.

Two major independent television stations, BK and TV Pink, which flourished during the Milosevic era, have regional coverage; their content is considered to be objective. These stations were given advantageous frequencies during the Milosevic era. The new Government has frozen allocation of frequencies, pending the adoption of a new law on frequency allocation that remained in draft form at year's end. As a result, the status quo continued and independent stations such as B92 were at a competitive disadvantage.

State-controlled Serbian Television and Radio (RTS) dominates television and radio. Aside from the three RTS channels, the state has considerable influence, although not formal control, of the major television stations: TV Politika, TV Novi Sad, and YU INFO, as well as Radio Belgrade's three stations. In 2000, immediately after the Democratic Opposition of Serbia (DOS) coalition took control of RTS, coverage on the station has been biased in favor of selected politicians and their political parties. During the year, the station's coverage generally was objective, with some biases in favor of certain political parties. Management personnel can be politically influenced. These stations continued to dominate the electronic media because their broadcasting range is much greater than that of independent stations. Under the previous regime, some private media was controlled by Milosevic sympathizers, and during the Milosevic era the stations BK and TV Pink were aligned with the Socialist Left. These stations have some editorial biases, but BK is considered to be a respected news source. The independent media, ANEM (B92), MREZA and VIN networks provided reliable information for viewers. In April an Albanian-language radio station in Presevo began broadcasting; only music and pre-approved broadcasting were allowed under its license. The Government funds a Hungarian language newspaper and RTS provides some Hungarian language programming.

Police at times arbitrarily detained journalists for "informative talks" (see Section 1.d.).

On November 16, the Government confiscated the videotape that TV B92 journalists had shot of protests by the Red Berets, a special operations police unit who were protesting the extradition of 2 indicted war criminals (see Section 4). The authorities returned the tape undamaged to B92 later the same day. On November 16, the management of TV Novi Sad "strongly advised" an independent production house (and a regular contributor to its program) against running a program featuring the Red Beret strike; the production house did not run the program. On December 14, 13 policemen filed criminal libel charges against the editors-in-chief of Blic and Reporter because they had published a list of "suspects" who might be sought by the ICTY. In Pozarevac--the hometown of the Milosevic family--and Valjevo, local police chiefs have interfered with local reporters by calling them in for "informative talks" (see Section 1.d.).

In June unknown assailants killed journalist Milan Pantic. On February 22, unknown assailants attacked Glas Javnosti journalist Radovan Delibasic in Kursumlija. In December unknown assailants attacked Radio Belgrade 202 journalist Vojin Vojinovic, seriously injuring him. Vojinovic is a journalist on an entertainment program and not a member of a political party; Radio Belgrade 202 stated that it had received a threat prior to the attack on Vojinovic.

The Government did not restrict access to the Internet; however, there were reports that it selectively monitored e-mail correspondence (see Section 1.f.).

Academic freedom was respected; however, although it was not enforced, the 1998 Universities Law, which

curtailed academic freedom under the Milosevic regime by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties, who could in turn hire and fire professors, remained in effect.

b. Freedom of Peaceful Assembly and Association

Federal and republic level Constitutions provide for the freedoms of peaceful assembly and association, the Government generally respects these rights in practice. The Government requires private organizations to register; however, no problems with registration were reported.

In July groups of young men disrupted a gay rights parade in Belgrade and attacked gay activists, injuring dozens of persons. Some observers alleged that the police delayed their response to the incident; the Belgrade police chief claimed that he had not expected such violent antigay protesters.

c. Freedom of Religion

Federal and republic law provide for freedom of religion; and the Federal and Serbian Governments generally respected this right in practice. There is no state religion; however, the Serbian Orthodox Church received special treatment.

Religious groups are required to apply to the Federal Ministry for Religious Affairs in order to be recognized in the country. The Federal Ministry has denied recognition to the Montenegrin Orthodox Church as a religion on the basis that no Orthodox body has granted recognition to the organization. There were no other reports of applications that were denied during the year.

In April the Federal Ministry of Internal Affairs banned the import of Jehovah's Witnesses' religious literature, stating that the literature would have a negative impact on children and youth.

In March the VJ announced its intention to introduce Serbian Orthodox chaplains into its military units. By year's end, the VJ had not yet decided whether Catholic priests and Muslim imams also would be represented in the Army Chaplaincy. According to the Keston Institute, some representatives of minority religious groups and NGO's expressed concern that by favoring the majority religion the VJ was not protecting equal religious rights for all soldiers.

Under a November 2000 government decree, religious instruction was introduced as an elective subject in primary and secondary schools during the 2001-02 school year. Students also were given the option of a secular course in "Values in a Civil Society." This decree had the support of the Serbian Orthodox, Muslim, Catholic, and Jewish religious communities, although some Protestant groups and human rights NGO's expressed concern over these plans, fearing that non-Orthodox children would be stigmatized. However, the vast majority of students have opted either to enroll in the secular course or not to sign up for either elective.

The Government has made no progress in the restitution of property that belonged to the Jewish community prior to World War II. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property confiscated by the Communist regime (1944-89).

The Government was preparing a new religion law during the year, and observers have expressed concern that the law is being drafted without public comment and consultation. However, government officials claim that the law still is in its early stages and that religious communities and the public will be consulted prior to its adoption.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. Ethnic-Albanian residents of the former GSZ were free to travel with the same rights as other Yugoslav citizens. There were occasional complaints by Sandzak Muslims and ethnic Albanians of harassment at borders when re-entering the country, but to a much lesser degree than in the past.

Unlike in the previous year, conscientious objectors and persons who evaded the draft from April 27, 1992 to October 7, 2000 were able to travel freely without fear of arrest under a February amnesty law. Many have returned to the country.

The conflicts that have occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 229,000 internally displaced persons (IDP's) from Kosovo, mainly Serbs, Roma, and Bosnians. Most Serb displaced persons from Kosovo are housed with host families or relatives; however, some remained in collective centers. A report by the U.S. Committee for Refugees describes collective centers for refugees as varying widely in quality and population density, ranging from "decent" to "dismal, drafty, and crowded." It is impossible to estimate unemployment figures among IDP's. Most families have moved three times or more in search of better schooling or employment opportunities. It is probable that many of them are employed either fully or part-time in informal sector enterprises, such as working in one of the many firms manufacturing clothes, furniture and other products.

During the year, several thousand ethnic Albanians fled villages in the GSZ in southern Serbia into Kosovo. Approximately 10,000 IDP's from Southern Serbia remained in Kosovo at year's end.

There are an estimated 40,000 to 45,000 displaced Roma living in the country. Roma faced a dilemma during the Kosovo conflict, as many Kosovo Roma were perceived as Serb collaborators. Living conditions for Roma in Serbia were, on the whole, extremely poor. Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would not remain in the community (see Section 5). If they did settle, it was most often in official collective centers with a minimum of amenities or, more often, in makeshift camps on the periphery of major cities or towns. The U.N. High Commissioner for Refugees (UNHCR) was in the process of identifying municipalities willing to cooperate in a program for resettling the Roma in more adequate living quarters.

The Constitution provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations assisting refugees; however, there were bureaucratic problems, including lack of competence, poor procedures, and the need to engage extremely senior officials to resolve relatively routine issues.

The Government provides first asylum. The UNHCR reported that at year's end there was a total of 376,834 refugees from the former Yugoslav republics of Slovenia, Croatia, Bosnia, and Macedonia living in the country. During the year, several thousand ethnic-Albanian refugees crossed into Serbia, the fleeing conflict in Macedonia. Many were taken in by relatives.

There were no reports of the forced return of persons to a country where they feared persecution.

Under the previous government, many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia. Refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship. To address this problem, in February the Government amended the 1997 Citizenship Law to allow dual citizenship. Under the 1997 Citizenship Law, 123,000 persons classified as refugees under the 1992 Law on Refugees have been granted Yugoslav citizenship. However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards, presumably in the belief that that the benefits of refugee status are greater than those they would receive as citizens.

The Government also signed a bilateral agreement with Bosnia and Herzegovina that permits Bosnian citizens to have dual nationality.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, under the previous regime citizens could not exercise this right and they have not yet had an opportunity to exercise this right fully at the Federal level under the new Government, although elections took place at the Republic and municipal levels.

President Vojislav Kostunica came to power as President of Yugoslavia after mass demonstrations in early October by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and Constitutional Court to force a second round of elections. Kostunica ran against Milosevic in the September 24, 2000 elections under the Democratic Opposition of Serbia (DOS) coalition, an 18-party alliance. Milosevic banned international observers from monitoring the elections; the opposition reported election fraud in some areas, particularly in southern Serbia and the voting in Kosovo. Although the DOS claimed victory for Kostunica, the Yugoslav Federal Election Commission claimed that neither candidate had won an outright majority and called for a second ballot. This sparked citizen protests in Belgrade and a general strike in favor of the opposition beginning on October 2, 2000 which culminated in a mass demonstration on

October 5, 2000 by half a million citizens calling for Milosevic to give up power. Kostunica declared himself President of Yugoslavia that night and 2 days later Milosevic conceded electoral defeat.

Following the elections of October 2000, the DOS formed a coalition government at the Federal level with Montenegro's Socialist People's Party (the SNP, formerly a pro-Milosevic party). The DOS coalition, under Prime Minister Zoran Djindjic, also was elected in Serbia in December 2000 republic elections. Indicted war criminal Milan Milutinovic remained President of the Republic of Serbia. In August the Federal President Kostunica's political party (the Democratic Party of Serbia--DSS) announced the formation of a separate deputy group in the Serbian parliament. In practice this split the DOS coalition into two factions--the DSS and the remaining 17-party DOS alliance, dominated by Djindjic's Democratic Party--which, depending on the issue, at times voted differently in the Serbian Assembly.

On November 4, municipal elections were held in a number of municipalities in Serbia; the elections were judged by international observers to be free and fair. More than 80,000 Serbian IDP's from Kosovo cast absentee ballots in Serbia for the Kosovo election on November 17 that were judged by international monitors to be free and fair (see Kosovo annex).

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions that hinder their participation. Women are active in political organizations; however, they only hold approximately 10 percent of ministerial-level and Parliamentary positions in the Serbian and Federal Governments.

The percentage of minorities in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on their participation in political life. Ethnic Serbs and, to a certain extent, Montenegrins, dominate the country's political leadership. In Vojvodina, where the Hungarian minority constitutes about 15 percent of the population, many regional political offices are held by Hungarians. Jozsef Kasza, a Hungarian minority party leader, is Serbian Deputy Prime Minister. Few members of other ethnic groups are involved at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in November 2000. Roma have the right to vote and there are two small Roma parties in Serbia. One of the four deputy mayors in Kragujevac is a Rom. Ethnic Albanians, who constitute a majority in certain southern Serbian border areas, are underrepresented at nearly every level of government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases; however, there was one case of police intimidation of an NGO activist. Government officials were somewhat cooperative and responsive to their views; however, with the exception of the transfer of Slobodan Milosevic and a few other war criminals, the Government's cooperation with the ICTY decreased significantly during the year.

The Belgrade-based Humanitarian Law Center and the Center for Antiwar Action research human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. The Belgrade Center for Human Rights, the Yugoslav Lawyer's Committee for Human Rights, and the Leskovac Council for Human Rights were among the leading human rights groups in the country. In the Sandzak region, two committees monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

On May 29, in an "informative talk" (see Section 1.d.), the Serbian police interrogated Milos Cvorovic, an NGO activist, about his contacts with Kosovo Albanians.

Legislation that governed NGO's under Milosevic remained in effect. A draft law was circulating for comment which, if passed, would subject NGO's to greater scrutiny and some form of taxation; but it had not yet been introduced by year's end.

Along with Serbian Prime Minister Zoran Djindjic, President Kostunica acts as an interlocutor with the ICTY in the Hague on issues of indictees and evidence located in Serbia that are related to crimes perpetrated during the wars of 1991-1999. In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, former Yugoslav Deputy Prime Minister Nikola Sainovic, former Chief of Staff of the Yugoslav Army

Dragoljub Ojdanic, and former Serbian Minister of Internal Affairs Vlatko Stojiljkovic. On April 1, the Serbian Government arrested Slobodan Milosevic on corruption charges and detained him in Belgrade. Early in the year, President Kostunica argued that transfers of indictees to the Hague, including Milosevic, required the adoption of a law on cooperation with the ICTY; however, a draft law was blocked by the SNP, formerly a pro-Milosevic party. On June 23, the Federal Government adopted a cooperation decree; however, the Federal Constitutional Court, most of whose members were appointed by Milosevic, blocked the adoption of the decree and eventually ruled it unconstitutional in November. No law on cooperation with the ICTY had been signed by year's end. On June 27, the Government of the Republic of Serbia invoked a statute in the Serbian Constitution allowing it to act independently in the face of Federal rulings deemed harmful to Serbia. On June 28, the Serbian Government transferred Milosevic to the Netherlands and delivered him into ICTY custody. Yugoslav President Kostunica called the transfer "unconstitutional." At year's end, Milosevic remained in the Hague awaiting trial. Serbian authorities also have transferred three other indictees to ICTY custody, including Bosnian Serb Milomir Stakic on March 23, and Bosnian Serb brothers Nenad and Predrag Banovic on November 9. Serbian authorities also assisted in the voluntary surrender of two other indictees, Bosnian Serb Blagoje Simic, and former naval commander Miodrag Jokic, who was indicted for war crimes committed in Dubrovnik in 1991. However, at year's end, several indictees remained at liberty, and, in at least one case, still in an official position in Serbia. Indictees at liberty in Serbia included at least four senior Yugoslav and Serb officials charged with crimes against humanity for actions committed by troops under their command in Kosovo; three VJ officials indicted on charges relating to the destruction of Vukovar, and two military officers indicted for crimes committed in Dubrovnik.

In November the ICTY's chief prosecutor, Carla del Ponte, alleged that the VJ was protecting indicted war criminal Ratko Mladic, and claimed that indicted war criminal Radovan Karadzic lives in Serbia. The Government denied these claims. In June the Government turned over approximately 6,500 military and police documents to the ICTY documenting crimes against Serbs, mostly by ethnic Albanians during the Kosovo war; however, the Government has been uncooperative in requests for documents regarding crimes committed by Serbs against other ethnic groups, and in arranging interviews with official and nongovernmental witnesses. Del Ponte has stated that cooperation on access to documents and archives by the Government was "unacceptably slow."

In November a special operations unit of the Serbian Secret Police established under Milosevic known as the "Red Berets" protested the extradition of the Banovic brothers to the ICTY. Heavily armed members of the unit blocked the main road near Novi Sad, and another group blocked traffic in Belgrade for 10 hours. As a result of the protests, Prime Minister Djindjic announced that the unit will be moved from the secret police and will become an antiterrorism unit placed directly under Ministry of Interior control, and he accepted the resignations of two senior secret police officials, Goran Petrovic, and Zoran Mijatovic, for failing to intervene during the protests. Yugoslav President Kostunica made public statements supporting the Red Beret's demands for a special law on cooperation with the ICTY.

In May a 2-day international conference was held in Belgrade to address the issues of truth and reconciliation. Concurrently, President Kostunica appointed a Truth and Reconciliation Commission, along the lines of similar initiatives planned in Bosnia and in Croatia. One of its members, Professor Vojin Dimitrijevic, a prominent human rights activist, resigned from the Commission, expressing doubts that it will ever be a functioning body. Since the conference, the Commission has failed to establish a staff or a budget. It has not yet made any contribution to "truth and reconciliation."

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

While Federal and Republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women; however, in practice the legal system provides little protection for such groups.

Women

Violence against women was a problem and traditionally high levels of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and were limited in their activity by social pressure to keep families together at all costs. The Criminal Code does not recognize spousal rape as a criminal offense; rape is defined as forced sexual intercourse between a man and a woman who are not married. Few victims of spousal abuse file complaints with the authorities. There is no trained police unit to provide protection or assistance to female victims of sexual or other violence. The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hot line, and sponsored a number of self-help groups. The Center also offered assistance to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women for the purpose of sexual exploitation (see Section 6.f.).

Women do not enjoy social status equal to that of men, and relatively few women have obtained upper level management positions in commerce. Traditional patriarchal ideas of gender roles, especially in rural areas, hold that women should be subservient to the male members of their family, and subject women to discrimination in many homes. In some more remote rural areas, particularly among minority communities, women effectively lack the ability to exercise their right to control property and have custody of their children. Women legally are entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage is 11 percent lower than the average wage of men. Women are granted maternity leave for 1 year, with an additional 6 months available. In urban areas such as Belgrade and Novi Sad, women are represented widely in many professions including law and medicine. Women are also active in political and human rights organizations.

Children

The Government attempts to meet the health and educational needs of children. The educational system provides 8 years of free, mandatory schooling. However, economic distress has affected children adversely in both the education and health care systems, particularly Romani children, who rarely attend kindergartens. Few Romani children attend primary schools, either for family reasons, because they are judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Romani children do not learn to speak Serbian, and there is no instruction available in the Romani language. Some Romani children with learning problems or poor language skills reportedly are placed in schools for children with learning disabilities.

Traditionally there has been no societal pattern of abuse of children; reportedly there has been an increase in the incidence of child abuse.

The country was a transit country and, to a lesser extent, a country of origin and destination country for trafficking in girls for the purpose of sexual exploitation (see Section 6.f.).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, in practice facilities for persons with disabilities--mental and physical--were inadequate and the Government did not make any efforts during the year to address the problem. The law mandates access for persons with disabilities to new official buildings, and the Government enforced these provisions in practice.

Religious Minorities

The attitudes of ethnic groups in the region historically have been influenced strongly by religion, and most instances of ethnic discrimination have at least some religious roots. There were some instances of societal discrimination against, harassment of, and, to a lesser extent, violence towards religious minorities, including Jews, members of Jehovah's Witnesses, and some Protestant groups. Members of the Jewish community charged that the "Palma" television station has aired programs with guests who openly expressed anti-Semitic ideas. For example, Dragos Kalajic, a Serb nationalist, spoke of the "Jewish conspiracy" on one program. Incidents of societal harassment of the Catholic minority in Vojvodina, largely consisting of ethnic Hungarians and Croats, continued to be reported.

Early in the year, there were reports of anti-Semitic leaflets circulated in Kikinda. On February 1, Muslim and Jewish cemeteries in Zrenjanin and in Belgrade were vandalized and a synagogue was painted with Nazi swastikas. The incident was reported to the police but the perpetrators were not found. On February 13 and 14, stickers with swastikas and anti-Semitic messages were placed on the entrance of the Jewish Community Center of Belgrade, on the gate of the synagogue, and on the fence of the Jewish cemetery. Jewish community members believe that the perpetrators were members of a radical nationalist group. On April 1, unknown vandals broke the windows of an evangelical church in Subotica, Vojvodina. On April 9, unknown assailants stoned the Jehovah's Witnesses' church in Vrbas. On April 18, unknown vandals stoned the Baptist Church in Novi Sad.

On May 8, in Subotica, Vojvodina, unknown assailants attacked and beat a Jewish community leader for the second time (a similar attack had occurred 3 weeks earlier). The victim was a lawyer who represented opposition members under the Milosevic government.

On October 19, unknown persons threw stones at the home of an Adventist pastor in Cacak. On October 22, three youths vandalized the home of and threatened a Pentecostal pastor in Backa Palanka, Vojvodina. Also in October, a group of youths vandalized with graffiti an Adventist church in Backa Palanka.

National/Racial/Ethnic Minorities

Ethnic-Albanian leaders in the cities of Presevo, Bujanovac, and Medvedja in southeastern Serbia complained of discrimination by Serbian authorities. Very few ethnic Albanians are employed by municipal governments in the region. However, during the year, the Serbian authorities began to accept credentials issued in Kosovo for ethnic-Albanians who completed their education in the previously unrecognized parallel education system, but the process was very time-consuming. There are relatively few ethnic Albanians employed by municipal governments, although their numbers were increasing.

There was some societal violence against the ethnic-Albanian community. For example, in Sremska Mitrovica, a group of seven local youths beat ethnic Albanians Asan Darti and his son Bekim. On March 19, three men from Beocin beat an ethnic-Albanian man and damaged property in his pastry shop.

Relations between Serb and ethnic-Albanian communities, particularly in southern Serbia, are marked by mutual suspicion and mistrust; however, communication and cooperation were improving by year's end. A new multiethnic police force, made up of ethnic Albanians and Serbs began to be trained during the year, and the first of three groups of officers, composed of 63 Albanians and 37 Serbs, entered into service in southern Serbia in the fall. This multiethnic police force has wide approval in the Albanian community. Ethnic Albanians continued to express concerns about 163 policemen in the area who they claim served in Kosovo during the war; however, there were no reports of abuses by these officers.

There were incidents of official discrimination against the Romani population, and skinheads and police occasionally violently attacked Roma (see Section 1.c.). There also was societal violence against Roma. The European Roma Rights Center reported that on January 6, a Serb attacked and shot at a group of boys, believing that they were Roma. On February 2, unknown assailants beat a Roma boy, Cuci Nikolic, and put him in a makeshift jail. On March 1, a group of skinheads attacked a group of Roma in Belgrade with baseball bats, sticks and rocks. In June a Roma judge in Stara Pazova in Vojvodina received death threats and a swastika was drawn on the walls of his home. Also in June, two men attacked two Roma from Leskovac with a gun, hitting them in the head with it. On October 4, local youths broke into a night school in Belgrade and beat several Roma students. In November in Belgrade, local youths punched and threatened two Romani boys, aged 7 and 11. According to the HLC, police officers in the Zvezdara municipality station refused to take any action against the assailants and told the Romani family that the children had "asked for it."

Societal discrimination against Roma was widespread. For example, in Sabac, in western Serbia, Roma were barred from using a municipal swimming pool that is owned by the president of the local branch of the Serbian Radical Party. In July in Surdulica, unknown vandals wrote swastikas and slurs against Roma on buildings in the town. On October 10, a group of men threw stones at Romani houses, breaking some windows, in the Cukaricka Padina settlement in Belgrade. Local authorities often ignore or condone societal intimidation of the Romani community.

Bosniak Muslims in the Sandzak region alleged discrimination in housing, employment, health care, commerce, and education.

Unlike the previous year, there were no confirmed reports of violence against ethnic Hungarians in Vojvodina during the year; however, there were many instances of verbal abuse directed towards ethnic Hungarians in public places. For example, in March slogans such as "Out with Hungarians!" appeared in towns in Vojvodina. Hungarians enjoy considerable autonomy. In eight majority-Hungarian municipalities, all of the police chiefs are ethnic Hungarians. The Hungarian language is taught in schools. The Federal Ministry of National and Ethnic Communities has proposed a new curriculum, that would include studies on Hungarian art, history and music.

One NGO blamed the influence of a newly created nationalist group called OBRAZ for the recent increase in incidents affecting minorities, especially Roma, Jews, and Albanians.

A draft law on National Minorities, approved by the Council of Europe, was before a parliamentary committee at year's end and was scheduled to pass in 2002. The law would give significant legal protections to minorities equal to those received in other European countries.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of association and all workers except military and police personnel have the legal right to join or form unions. There were approximately 1.5 million employees in the socially-owned state sector and 300,000 persons in privately-owned companies. An additional 500,000 persons work in the unofficial economy and are not registered employees. In the socially-owned state sector, 60 to 70 percent of workers belong to unions. In the private sector, only 4 percent are unionized and in agriculture, 2 to 3 percent. The Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS), formally affiliated with the Socialist Party of Serbia, whose President remained Slobodan Milosevic, claims 1.8 million members, although this number is estimated to be closer to 800,000 in practice. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has approximately 600,000 members. The third largest union is the Association of Free and Independent Trade Unions (AFITU), which has approximately 60,000 to 70,000 members. Most other independent unions are sector specific, and have approximately 130,000 members. Due to the poor state of the economy, one-third of union workers, or 600,000 persons, were on long-term mandatory leave from their firms pending improvement of the economy. The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions.

The law provides for the right to strike; however, the Law on Strikes restricts the right for employees in "essential service production enterprises," such as education, electric power, and postal services, and these employees must announce their strikes at least 15 days ahead and must ensure that a "minimum level of work" is provided. This law covered approximately 50 percent of all employees. The independent unions, while active in recruiting new members, have not reached the size needed to mount countrywide strikes; however, unions held several strikes during the year. On May 14, workers at the Bor mine went on strike for higher wages; on October 11, the strike was settled peacefully and the workers returned to work. In June taxis blocked roads throughout the country to protest the Government's policy on taxi drivers. Agricultural workers held strikes as well. Public workers, including teachers, health workers, students, and policemen, held strikes during the year. These strikes were for job security, higher pay and the regular payment of wages. The ICN Galenika Pharmaceutical Company has also been the focus of strike activity. The Alliance of Serb Labor Unions was due to schedule a general strike if the Serbian Government refused to withdraw its draft labor bill, which gave management greater power to hire and fire employees; however, ultimately they reached a compromise and the labor bill passed with some amendments proposed by the unions. A Vojvodina political leader threatened to call strikes all over Vojvodina to prevent privatization. In general job security fears, which stem from the high rate of unemployment, limited workers' willingness to strike.

In December a Serbian Government labor law that had been approved by the International Labor Organization (ILO) entered into force. The new law significantly differed from the previous Socialist law by giving more power to employers and diminishing the rights of employees. For example, the law makes it easier for management to fire workers; collective bargaining is obligatory, but signing a collective agreement is not obligatory--employees may sign individual work contracts; and public job announcements are no longer obligatory. On October 16, the SSS held a small general strike to prevent the adoption of the labor law; as a result the Serbian government negotiated with the unions and accepted proposed amendments that were incorporated into the labor law.

Unlike in the previous year, the law governing trade union registration no longer enables employers to block registration by declining to certify that the union delegate is a full-time employee, effectively preventing unions from opening bank accounts. However, the confirmation of registration remained a slow process.

Unlike the previous year, security forces did not disrupt any strikes or arrest union leaders.

Unions can affiliate internationally; however, only Nezavisnost is recognized by the international community as completely independent from the Government. Nezavisnost is a member of the ICFTU and other international unions.

b. The Right to Organize and Bargain Collectively

The labor law passed and implemented in December does not make the signing of collective agreements mandatory for employers, although it is allowed. Unions complained that without this provision, their role in the system would be diminished. A union must have 15 percent of employees as members in order to be eligible to negotiate with an employer, or 10 percent of all employees in order to negotiate with the Serbian Government or the local government.

Collective bargaining remained at a rudimentary level of development. Individual unions continued to be very narrow in their aims and were unable to join with unions in other sectors to bargain for common purposes. The

history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (for example, job security protection, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and bonded labor; however, trafficking in women was a problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years, although in villages and farming communities it is common to find younger children at work assisting their families. Children also may be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes or newspapers. In recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. The unemployment rate throughout Serbia is approximately 30 percent, but there are pockets, particularly in areas with large refugee populations or where industries have closed, where unemployment is much higher.

The law prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

Large government enterprises, including all the major banks, and industrial and trading companies generally observe minimum wage standard. The monthly minimum wage is approximately \$15 (900 dinars); however, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, which are \$50 (3,000 dinars) per month. The minimum wage is insufficient to provide a decent standard of living for a worker and family. For example, the cost of food and utilities for a family of four is estimated to be \$120 (7,200 dinars) per month. Private enterprises use the minimum wage as a guide but tend to pay slightly higher average wages.

Reports of sweatshops operating in the country were rare, although some privately owned textile factories operated under very poor conditions. In certain areas of the country, such as the Sandzak and the town of Cacak, there were many prosperous small businesses dealing in unlicensed items for export. For example, one furniture manufacturer employs 800 workers but, aside from their salaries, the factory workers receive no other benefits. The official workweek, listed as 40 hours, is not respected because of massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. Because of the competition for employment and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons

The law does not prohibit trafficking in persons specifically, although there are other laws that could be used to prosecute traffickers and trafficking was a problem. Serbia is a transit, and to a lesser extent, a country of origin, and a destination country for women and girls trafficked to other parts of Europe for sexual exploitation. Local border officials facilitated trafficking.

The country is a transit and destination point for women trafficked from Eastern Europe, especially Romania, Moldova, Ukraine, and Russia. According to an International Helsinki Federation for Human Rights report, women often were trafficked to Belgrade, and then taken to other parts of Serbia, Kosovo, Montenegro, Bosnia

and Herzegovina, Italy, Greece, Germany, the Netherlands, and other Western European countries, often for sexual exploitation. Yugoslavia also was a country of origin for women trafficked to Italy, Greece, Cyprus, Germany, and the Netherlands. For example, in the area around Nis in eastern Serbia, an NGO reported that some local women had been trafficked. The central point in Serbia for the transit trade is Belgrade, where organized crime is most entrenched. There were reports by the International Helsinki Federation for Human Rights that Roma women and children also were trafficked to Italy, where women and girls were required to work in the sex industry and the boys were required to beg and steal.

Women often were recruited to work abroad through advertisements for escort services and waitresses, and through personal advertisements for marriage offers or "lonely hearts" columns. Many who responded to such advertisements were sexually exploited. Federal legislation allows escort agencies to be registered and to advertise; many of these agencies were involved in trafficking. Trafficking was controlled by organized crime groups.

Local border officials were complicit in trafficking, and accepted bribes routinely to permit groups of women into the country.

In Serbia no specific law prohibits trafficking; however, the criminal code prohibits the "illegal transport of others" across borders for "lucrative purposes." It also prohibits the recruiting, inducing, inciting, or luring of females into prostitution. Penalties range from 3 months to 5 years in prison and the confiscation of property, and 10 years if the victim is underage. There were no reports of individuals prosecuted for trafficking.

During the year the authorities began to take action against trafficking. Within the Federal and Serbian governments, there are four working groups on victims' protection, prevention, data collection and law enforcement (which includes a member from the Serbian Interior Ministry) that are staffed by the Government and coordinated by OSCE. An awareness program called "Open Your Eyes" sponsored by foreign governments was aired by B92 TV in December. With donor assistance, the Government established a regional program for education and awareness of the problem, targeting border guards.

The Government does not provide any services for victims. The International Organization for Migration (IOM) assisted trafficked victims, and returned approximately 100 women to their countries of origin. A very small number of local NGO's dealt with trafficking. Although the issue received some media attention during the year, public awareness of the problem was low.

Kosovo

Kosovo continued to be administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution recognized the continuing sovereignty of the Federal Republic of Yugoslavia (Yugoslavia) over Kosovo but called for "substantial autonomy and meaningful self-administration." UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serbian forces from the province. To provide for greater Kosovar inclusion in civil administration and to replace parallel quasigovernmental entities, UNMIK established the Joint Interim Administrative Structure (JIAS) in February 2000. Under the direction of the SRSG, international and local experts shared policy and advisory responsibility for providing governmental services. On May 14, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the "Constitutional Framework"), which defined provisional governmental institutions to replace the JIAS, and described the areas of competence assigned to them as well as those retained by the SRSG. On November 17, Kosovo held its first democratic general elections to fill 100 seats of a 120-seat Assembly; 20 seats were reserved for minorities. All of Kosovo's ethnic communities, including Serbs, took part in the elections. International and local election observers concluded that the elections were well organized and were conducted peacefully and in accordance with international standards. On December 10, the newly-elected Assembly held its first session. UNMIK Regulation 1999/24 established that applicable law in Kosovo would include UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the date Slobodan Milosevic abolished Kosovo's political autonomy. This created a complex, and in some cases, incomplete set of codes. Since its establishment, UNMIK periodically has issued regulations, which remained in effect during the year, to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bind all public officials, including judges, to respect international human rights law. The law provided for an independent judiciary; however, the legacy of ethnic conflict and Yugoslav oppression was an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases with an ethnic element.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo (Kosovo Force, or KFOR), which included forces from all 19 NATO countries and some 20 non-NATO members, continued to carry out its mandate to

maintain internal security and defend against external threats. KFOR also undertook operations to prohibit the flow of men and materiel from Kosovo to southern Serbia (the Presevo Valley) and the Former Yugoslav Republic of Macedonia (Macedonia); in both locations, ethnic insurgencies involving Albanians, including some from Kosovo, led to violent conflict and refugee outflows. KFOR also assisted UNMIK's multinational civilian police corps (CIVPOL) in its role as a uniformed police force. Of 4,718 regular, border, and special police positions authorized for Kosovo, contributing countries deployed approximately 4,400. The Kosovo Police Service School trained 4,398 local police for the newly established Kosovo Police Service (KPS), including a cadre of 35 command staff for the police force by year's end. The School was on schedule to train an additional 2,000 KPS recruits by June 2003, and continued to provide advanced training for KPS officers and members. Approximately 8 percent of the KPS members were Serbs, minorities in total equaled 17 percent, and 20 percent were women. The KPS worked with CIVPOL in field training, and CIVPOL has transferred basic policing functions to KPS in many areas, including traffic control and basic criminal investigations, while continuing to provide oversight. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), continued to train and develop its disaster response skills, while also undertaking humanitarian projects throughout the province. Some members of KFOR were accused of using excessive force; some members of CIVPOL committed abuses, including sexual assault. Some members of the KPC committed abuses, including intimidation and extortion.

A long history of targeted asset-stripping and mismanagement by Yugoslav Federal and Serbian authorities left the economy in poor condition even before armed conflict resulted in the massive destruction of property and economic enterprises.

Key industries before the conflict that have been closed include mining, metallurgy, and related manufacturing enterprises. The construction sector became the strongest economic sector in the post-conflict period. The agrarian sector improved but did not reach prewar levels. Unemployment among the predominantly ethnic Albanian population was estimated at 62 percent. Unemployment rates were much higher among Serb and other ethnic communities, although some Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. However, the instability of the region, coupled with the destruction of property records, a still weak legal and regulatory framework, and uncertainty about Kosovo's future status, caused private capital investment to lag. The privatization of state enterprises stalled pending the resolution of significant property issues. Domestic energy generation capacity was estimated at approximately 50 percent of demand, and energy import arrangements remained uncertain. Remittances from abroad and foreign aid were important sources of national income. Significant criminal economic activity took place, especially in the fuel sector, and smuggling was widespread. International financial institutions estimated per capita gross domestic product at less than \$750 (1,500 DM), an increase over the immediate post-conflict period.

UNMIK generally adhered in its policies to international human rights standards; however, serious problems remained, many related to ongoing interethnic tensions within Kosovo and ethnic Albanian insurgencies in the Presevo Valley and Macedonia. In the course of their duties, KFOR, CIVPOL, and the KPS killed some persons. A few killings resulted from attacks that appeared to be politically motivated. Landmines planted by combatants during the 1999 conflict killed nine persons. There were some kidnappings and disappearances. As many as 3,900 persons remained missing and unaccounted for as a result of the armed conflict in 1999, including approximately 2,750 Albanians, and 1,150 Serbs, and members of other ethnic groups. The International Criminal Tribunal for the Former Yugoslavia (ICTY) exhumed 3,620 remains of individuals in 1999 and 2000, of which about 1,260 were still unidentified; no new identifications were made during the year. UNMIK's efforts to continue exhumation of gravesites and to pursue identification of remains were ineffective and slow. There were some reports that KFOR and CIVPOL used excessive force during arrests and members of CIVPOL sexually assaulted women. Some KPC members were accused of committing incidents of intimidation and extortion, and reportedly were involved directly in or materially supported political violence in the Presevo Valley and Macedonia. KFOR and CIVPOL at times used arbitrary arrest and detention, and lengthy pretrial detention remained a problem. In some cases with security implications, the SRSG and the Commander of KFOR (COMKFOR) issued extrajudiciary executive detention orders, in some cases for lengthy periods. The judiciary was subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process. There were some restrictions on privacy rights. Local media and some international media organizations and attorneys criticized UNMIK regulations prohibiting articles that might encourage criminal activity or violence on speech and the press as an infringement on the freedom of speech and of the press. UNMIK occasionally limited freedom of assembly and forcibly disrupted some demonstrations. There were limits on freedom of movement. Of the more than 200,000 members of ethnic communities (including approximately 170,000 Serbs and 25,000 Roma) displaced after June 1999, few returned to Kosovo due to security concerns, although international agencies and NGO's initiated some small-scale organized returns projects. Violence, including rape and domestic violence, and discrimination against women remained serious problems. Religious tension and violence persisted, but at significantly diminished levels. The approximately 100,000 Serbs who remained in Kosovo lived primarily in the north or in enclaves

under the protection of KFOR. Societal violence, including killing, against Serbs and Roma continued but generally decreased overall; violence against other ethnic groups also persisted but at generally diminished levels. Societal discrimination against Roma continued. Worker rights progressed with the promulgation of new labor legislation; child labor persisted in the informal and agrarian sectors. Trafficking in women and girls to and through the province was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

KFOR forces killed at least one individual during security operations. On May 6, KFOR soldiers in northern Kosovo stopped a private vehicle for an identity check; passenger Dejan Milovic, a Kosovo Serb, attempted to flee and opened fire on the police. The KFOR officers returned fire, wounding Milovic, who subsequently died of his injuries. UNMIK and military authorities investigated both cases, but found no improper action by KFOR troops.

Both CIVPOL and the KPS used deadly force in a few instances; these cases also were investigated, and authorities found the actions to be appropriate under the circumstances.

On February 16, 11 Serbs were killed and 43 wounded when their KFOR-escorted bus--the "Nis Express"--en route from Nis in Serbia to Gracanica hit an explosive device near Podujevo/Podujeve¹. KFOR detained five suspects in the case, including two members of the KPC. One of the detainees later was released and one escaped. In December the Supreme Court found no grounds to continue the remaining suspects' detention and released them.

In May authorities arrested a senior KPC officer, Sali Veseli, and four other suspects in the May 2000 murder in Prizren of former KLA commander Ekrem Rexha, also known as "Commander Drini." There was no new information in the November 1999 killing of five Roma and Albanians by persons claiming to be either members of the provisional KPC or the KLA.

There were a few killings and nonlethal attacks that appeared to be politically motivated, but the number of these decreased from the prior year (see Section 3). In April unknown assailants killed LDK branch president Ismet Raci, President of the Municipal Assembly of Klina/Kline. In July reportedly as a result of a personal dispute, unknown assailants killed Ahmet Balaj, an LDK committee member in Mitrovica; however, the motive was not clear. In August in Pristina, a security officer of the Alliance for the Future of Kosovo (AAK) killed Liberal Party of Kosovo (PLK) official Selim Behrami; the killing reportedly was not political. On August 31, unknown assailants killed Qerim Ismaili of the Kosovo Democratic Initiative in Donje Godance, near Stimlje/Stime. In October unknown assailants killed Bekim Kastrati, a journalist with the LDK-linked newspaper Bota Sot, and LDK bodyguard Besim Dajaku in a car ambush; another man was wounded. CIVPOL was investigating these killings at year's end; it was not clear if political motives related to the November elections were involved. On December 12, unknown assailants shot and killed two Albanian Kosovar brothers as they drove through the village of Banja; one of the men was a bodyguard for Istok/Istog Mayor Fadil Ferati, a prominent LDK member. It was not clear if political motives were involved. In February authorities arrested eight suspects in the August 2000 killing in Istok/Istog of LDK activist Shaban Manaj; several of those detained reportedly were former members of the KLA.

Several killings from previous years remained unresolved, including the case of senior LDK politician Alii Dreshaj, who was reportedly killed by two men wearing KLA badges; the November 2000 killing of Xhemal Mustafa, cofounder of the LDK and President Rugova's press advisor; the April 2000 shooting of former KLA officer Besim Mala, also known as "Commander Murrizi;" the July 2000 killing of a supporter of Ramush Haradinaj; the September 2000 killing of Skendar Gashi, a KPC officer and former KLA commander; and the September 2000 killing of journalist Shefki Popova. There were no new developments in the investigation of the September 2000 killing of Rexhep Luci, Pristina's Director of Urban Planning. Before he was killed, Luci had received death threats for his role in stopping illegal construction in Pristina.

There were 136 killings by citizens in the province during the year, compared with 245 in 2000. According to available figures, assailants killed 92 Albanians, 30 Serbs, 1 Bosniak, 6 Roma, and 7 persons of unknown or other ethnicity. Most killing of Serbs and other minorities were ethnically motivated (see Section 5), but the majority of murders of Albanians apparently were connected to family and economic rivalries and criminal activities. CIVPOL, working with the KPS, somewhat improved its case resolution and arrest rate. From January through July, there were 71 killings, and police arrested 89 persons on suspicion of killing.

There were a number of attacks on, and killings of, ethnic Serbs during the year (see Section 5). Retaliatory violence, including killings, against Albanians also continued (see Section 5). Some Serbian Kosovars continued efforts begun in 1999 to expel Albanians and other ethnic groups from the northern part of Mitrovica; in some cases this resulted in the killings of ethnic Albanians (see Section 5).

In August would-be cattle thieves in Kamenica/Kamenice municipality killed an Albanian Kosovar KPS officer who intervened to stop the theft of cattle owned by a Serb farmer; in an exchange of fire, one suspected perpetrator died. On March 27, the Mitrovica District Court convicted an Albanian Kosovar juvenile, Faton Hajrizi, for the February 2000 murder of a KFOR soldier, and sentenced him to 1 to 5 years in prison. No perpetrator was identified in the killing in April 2000 of another KFOR soldier.

As a result of the 1999 armed conflict, unexploded landmines and ordnance remained a problem in certain rural areas. Landmines and ordnance explosions have killed 89 persons--including 9 persons killed out of 22 incidents that occurred during the year--and injured 356 since June 1999. The U.N. Mine Action Coordination Center (MACC) in Pristina has accredited 16 international demining organizations in Kosovo. The MACC effort has cleared 14,712 antipersonnel mines, 5,473 antitank mines, 6,698 cluster bomb units, and 13,097 other ordnance. International organizations and NGO's continued a widespread public education campaign on mines.

Kosovo's investigative, judicial, and penal systems, in addition to ICTY, continued to work to ensure that perpetrators of the ethnic cleansing and violence before, during, and after the 1999 war were identified and punished; they achieved limited success. Before closing out forensic operations at the end of 2000, the ICTY exhumed remains from 529 graves, uncovering for identification the remains of approximately 3,600 persons over a 2-year period; of these, 1,256 remained unidentified. Although the ICTY and other international experts do not expect to find many new mass graves, smaller gravesites remained throughout Kosovo. In May 2000, UNMIK established the Victim Recovery and Identification Commission (VRIC), which worked from May to December 2000. Working with families on the basis of information they provided, details of the events, and the recovery of clothing and personal effects, the VRIC was able to identify some victims in 2000. When ICTY closed its forensic operations, UNMIK appointed the CIVPOL Missing Persons Unit (MPU) as the focal point for identification of remains and for exhumation of additional gravesites as they were identified, and tasked the UNMIK Bureau of Missing Persons and Detainees to coordinate political efforts. The initiative made slow progress on both fronts; no new identifications were made during the year and the remains of 1,256 victims were unidentified by year's end, only approximately 65 bodies were exhumed from gravesites, and the number of missing from the war period remained at about 3,900 (see Section 1.b.).

Proceedings continued in the Kosovo courts to adjudicate approximately 40 cases of alleged war crimes and genocide arising from the conflict, as well as killings dating from the period starting in June 1999. At year's end, war crimes cases were in process against six Serb defendants, four of which were retrials ordered by the Supreme Court based on defense appeals. War crimes cases were suspended in the cases of 11 Serb defendants who escaped detention in 2000. In addition, majority international panels convicted three Serb defendants, acquitted three, and caused two indictments to be reduced or withdrawn. A non-international majority panel convicted one defendant.

b. Disappearance

Individual disappearances and kidnappings continued to be reported to police, although there were few specific cases brought to the attention of the public. For example, on April 29, a 12-year-old Romani boy was reported abducted in Urosevac/Ferizaj; no update was available at year's end.

Human rights organizations and police confirmed the kidnapping or disappearance of several young women each month. Reportedly most but not all of these victims eventually reappeared or were found, many after they were raped; some observers believe they were victims of trafficking (see Section 6.f.).

There was no information on the case of Marjan Melonasi, a journalist for Radio-Television Kosova who was half Serbian and who disappeared in Pristina in September 2000. In November CIVPOL arrested Gani Emeri, a KPC officer and former KLA commander in conjunction with the kidnapping and disappearance of five Serbs in 1999; only one of the Serbs is known to be alive.

As a result of the 1999 armed conflict and its immediate aftermath, the fate of as many as 3,900 persons (2,750 Albanians, and 1,110 Serbs and members of other ethnic groups) remained unknown at year's end. Of 3,600 remains exhumed by the ICTY in Kosovo during 1999-2000, 1,256 remained unidentified; mass graves with several hundred more remains were discovered in Serbia during the year. Even if these remains account for some of the missing, there remained significant numbers of persons of all ethnicities whose fate was unknown. After the ICTY closed its forensic program in Kosovo at the end of 2000, UNMIK reorganized efforts

to exhume suspected and known gravesites and to identify bodies already exhumed (see Section 1.a.).

There were several demonstrations during the year to protest against UNMIK and the international community for not doing enough to locate missing persons. For example, on March 8, women protested in front of UNMIK in Pristina to call for the release of Albanian prisoners held by Yugoslav and Serbian authorities and demand inquiries into the fate of the missing. In July Serbs protested in Mitrovica and Gracanica (the latter including a hunger strike for several weeks) to demand action on missing Serbian Kosovars.

The U.N. High Commissioner for Human Rights did not renew the mandate of the Special Envoy for Persons Deprived of Liberty in Connection with the Armed Conflict in Kosovo, appointed in August 2000.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The law prohibits torture and other cruel forms of punishment, although the Constitutional Framework omits the UN Convention on Torture from its list of conventions incorporated by reference.

There were sporadic but unspecified reports of the use of excessive force by KFOR and CIVPOL during arrests. Some of the CIVPOL forces sexually assaulted women. In July CIVPOL arrested a member of the international police corps for sexual assault, and in August a CIVPOL officer stationed in Mitrovica was arrested on allegations of sexual assault. Four CIVPOL officers also have been arrested for complicity in trafficking or prostitution during the year; all were expelled or voluntarily returned home (see Section 6.f.). In September 2000, military authorities disciplined nine members of a KFOR unit, including four officers, following an investigation into allegations of excessive force, beating of suspects, and sexual assault on women at checkpoints and while on patrol.

Some reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. In January KPC members reportedly harassed two Gorani taxi drivers in Prizren and an Albanian family in Klina/Kline over a traffic accident. In February CIVPOL arrested two KPC members who were seen by a KFOR patrol beating a motorist near Podujevo/Podujeve; they were released when the victim did not press charges. In April CIVPOL arrested a KPC officer in Prizren on an attempted murder charge stemming from the beating of a man over a parking dispute. The suspect's commanding officer—who subsequently was arrested as a suspect in the May 2000 killing of Commander Drini murder (see Section 1.a.)—condemned the arrest publicly. In October a KPC guard at the KPC headquarters in Pristina fired several shots at the car of a man who tried to park near the building. CIVPOL arrested the KPC member, who was charged with attempted murder. Reportedly KPC officers and members also were involved in directly and materially supportive of political violence in connection with ethnic fighting in the Presevo Valley and Macedonia; five KPC officers were suspended during the year in connection with these credible allegations.

International organizations reported that in the first half of 1999, Serb forces subjected ethnic Albanian women to illegal confinement, rape and other forms of torture. According to credible information, individual KLA soldiers and other Albanians raped Serb and Roma women in the months following Yugoslavia's withdrawal in 1999. In October a local newspaper, Bota Sot, published a series of articles alleging that during the conflict, KLA members detained young Albanian women for months, often on the pretext that their families were Serb collaborators, and subjected them to rape and other abuse. Local sources found the articles credible; the silence surrounding these episodes, which took place largely in the Drenica Valley and the Podujevo/Podujeve areas and involved dozens of women, was due to lingering respect for and fear of the KLA and to the perceived shameful nature of these incidents (see Section 5).

There were reports of some attacks on and threats against political figures, particularly members of the LDK, both before and after the November general elections; however, the incidents reported were fewer than in the period prior to the October 2000 municipal elections (see Section 3). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. On July 1, unknown assailants shot and wounded Milazim Maraj, a municipal official in Klina/Kline. On July 27, unknown perpetrators fired at Jetullah Berani, an LDK official in Srbica/Skenderaj. There also was an increase in written and telephoned death threats against political figures, including LDK (President Ibrahim Rugova and other leaders, Vice President Kole Berisha, Malisevo/Malisheve official Nusret Pacarizi) and officials of other parties (the Albanian Christian Democratic Party of Kosovo (PSHDK) President Mark Krasniqi, PLK President Gjergj Dedaj). In September police found bombs at the homes of two LDK officials in Prizren.

There were some reports of attacks and intimidation of UNMIK, Organization for Security and Cooperation in Europe (OSCE), and KFOR officials, and of CIVPOL, KPS, and KPC officers. On January 23, two unknown

assailants struck an OSCE employee on the back of the head with a pipe; the victim went into a coma and was hospitalized. On January 24, two OSCE officials were assaulted and slightly injured by Serbian "bridge watchers" while attempting to cross from south Mitrovica into the northern part of the city; KFOR soldiers manning the bridge reportedly did not intervene. On January 29, a rioting group of ethnic Albanians beat an OSCE employee following a grenade attack in Mitrovica; he was seriously injured. On February 17 in Zubin Potok, a crowd attacked the UNMIK police station and wounded a CIVPOL officer. In February a bomb severely damaged the car of the local KPC commander in Vucitrn/Vushtri, although the intended victim was not harmed; no further information was available at year's end. Numerous other reports of intimidation of and assaults on KPS officers were reported during the summer and fall, which resulted in several public condemnations by UNMIK.

Prison conditions met prisoners' basic needs of food, sanitation, and access to medical care; however, facilities were in need of further refurbishment and repair, and some facilities were overcrowded. In March 2000, UNMIK established the Kosovo Correction Service (KCS), and the OSCE provided training for a force of 700-plus corrections officers. The KCS, which included international corrections experts as interim administrators, operated 3 prisons in Prizren (with a capacity of 100 inmates), Dubrava (with a capacity of 520), and Lipjan/Lipjan. The latter is restricted to women, juveniles, and mentally disturbed prisoners. The KCS also administered, with CIVPOL assistance, detention centers in Pristina, Mitrovica, Pec/Peja, and Gnjilane/Gjilan. At Camp Bondsteel, the base that houses the headquarters and most of the forces of one of the KFOR contingents and has a secure detention facility on the premises, KFOR continued to hold detainees accused of war crimes, serious ethnic offenses, and political violence, including in the Presevo Valley and Macedonia (see Section 1.d.).

Male and female prisoners are separated, and there is a separate facility in Lipjan/Lipjan for females and juveniles; however, there have been cases of older youths convicted of serious crimes who have been held with the general adult population because Lipjan is a less secure facility. Pretrial detainees are held separately from convicted criminals; although they may be held in the same facility due to overcrowding, they are kept in separate cells.

In August 24 Serb detainees at the Mitrovica detention facility held a hunger strike for several days to protest conditions there and to highlight their claim that they were political prisoners. The strike ended after UNMIK and Yugoslav officials from Belgrade met with prisoners and agreed to discuss improving prison conditions.

In December UNMIK instituted an early release program, in which prison management could release prisoners for good behavior provided that they were within 3 months of the end of their sentence.

Prisons and detention centers permitted the International Committee for the Red Cross (ICRC) full access to prisoners and detainees. In the absence of a formal agreement but pursuant to the OSCE's mandate for human rights monitoring under UNSCR 1244, they also offered access on an ad hoc basis to the OSCE human rights monitors. In April prison authorities in Mitrovica denied an NGO from Serbia access to detainees. Only OSCE and ICRC monitors were allowed to visit prisoners on a regular basis.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention was a problem. Under UNMIK regulation 1999/24, which incorporated local law in effect as of March 1989 and practice, police may detain criminal suspects for up to 72 hours without charging them or granting them access to an attorney; however, in many cases, sources reported that CIVPOL used the 72-hour detention authority as a means of minor punishment with no intention of filing charges. Some judges also complained that CIVPOL did not always bring detainees before them by the expiration of the 72-hour period even when they did intend to charge them; such cases were dismissed. In many instances when KFOR detained persons suspected of crimes in connection with the ethnic insurgencies in the Presevo Valley and Macedonia (see Section 1.c.), police and judicial personnel complained that KFOR did not deliver such detainees in a timely fashion. The applicable rules of criminal procedure permit pretrial detention for up to 6 months, but UNMIK has decreed by regulation that this period may be extended by up to an additional 6 months in cases of crimes punishable by a sentence of over 5 years.

In some instances, the SRSG or KFOR Commander (COMKFOR) intervened to continue the detention of persons not charged with a crime, or ordered released by the courts but deemed an ongoing security threat. Afrim Zeqiri, an ethnic Albanian accused of shooting three Serbs in May 2000, including a child, was detained in May 2000 and remained in detention during the year, despite the fact that a panel of ethnic Albanian judges found his case to be without merit, and two international panels ordered him released. In January an international prosecutor brought a new indictment against Zeqiri, resulting in his continuing detention being judicially ordered; procedural errors subsequently have marked the case, but it was ongoing at year's end.

Beginning at the end of 2000, KFOR undertook border operations to prohibit the movement of suspected insurgents and supporters of political violence in the Presevo Valley and Macedonia, and detained hundreds of persons. These detentions were based on the KFOR mandate to maintain a safe and secure environment. KFOR released the large majority of persons detained in these operations within the 72-hour period; at year's end some remained in KFOR detention at Camp Bondsteel, and some had been turned over to the civilian authorities for prosecution. In April an Albanian Kosovar-majority court in Gnjilane/Gjilan acquitted several of a group of suspected insurgents caught in possession of a wagonload of weapons near the border with southern Serbia. In May the Supreme Court of Kosovo ordered the release of 44 men suspected of being fighters with the National Liberation Army (NLA) in Macedonia because an international judge in the lower court had failed to meet procedural requirements. In June UNMIK adopted regulations criminalizing illegal border crossings, severely limiting the right to possess weapons, and defining terrorism-related crimes.

Lengthy pretrial detention continued to be a problem in cases of serious crimes; some detainees allegedly involved in ethnically-based crimes were held on the basis of weak evidence. At year's end, KFOR held approximately 190 persons in detention. Approximately 350 persons remained in pretrial detention in civilian prisons and detention facilities.

Some observers and detainees claimed that there is an ethnic bias in the amount of time it takes to bring some cases to trial. Of 40 war crimes cases involving Serb defendants, cases proceeded in 9 of them. In August 16 Serb prisoners in Mitrovica went on a hunger strike to protest the conditions in which they were held, the alleged bias exhibited in their cases, and to demand a retrial and transfer to Serbia (see Section 1.c.).

Of the approximately 2,000 Albanian detainees withdrawing Yugoslav forces took with them into Serbia during the NATO bombing, Serbian and FRY authorities released most of them. However, at the end of the year, the Yugoslav authorities continued to detain approximately 173 Albanian Kosovars in prison in Serbia, 90 of whom were charged with alleged crimes arising from the Kosovo conflict, while the remainder were convicted of common crimes (see Section 1.b.). Approximately 1,300 were returned by the end of 2000, reputedly after payment to Serb middlemen by detainees' families in most cases. In February the Yugoslav parliament enacted an amnesty law that resulted in several hundred being released; in April authorities released a 143-member group from Djakovica/Gjakove.

There were no reports of political detainees, although some Serbian Kosovar defendants in war crimes cases asserted that they were held for political reasons (see Section 1.e.).

Forced exile is not permitted legally, and there were no reported instances of its use.

e. Denial of Fair Public Trial

Applicable law provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression were an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, including threats and intimidation, particularly in cases involving ethnic disputes. Some local judges also lack basic legal skills needed to conduct an investigation or trial, and courts suffer from lack of supplies, equipment, and administrative management.

Supported by an Advisory Judicial Commission, UNMIK re-established a court system in Kosovo that included a Supreme Court, 5 District Courts, 22 Municipal Courts, a Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. The judicial corps included 310 judges and 51 prosecutors, as well as over 600 lay judges to assess the facts of the case. The judicial corps was almost exclusively ethnic Albanian; 8 of 12 ethnic Serbian appointees refused to serve. UNMIK also appointed members of other minorities, who were serving.

UNMIK, working through the OSCE, also established several entities, which will become local institutions, to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI), opened in March, was charged with training judges and prosecutors. Also in March, the Department of Judicial Affairs established the Judicial Inspection Unit (JIU) to monitor judicial performance and make recommendations on both discipline and training. Finally in May UNMIK set up the Kosovo Judicial and Prosecutorial Council (KJPC) to hear cases of judicial misconduct; in September the KJPC decided its first two cases, finding misconduct in both--one was a bribery case.

Approximately 12 UNMIK-appointed international judges and five international prosecutors worked in the District and Supreme Courts alongside local judges in ethnically sensitive cases. However, UNMIK did not make public the criteria for which cases were to be assigned to international personnel, and practice was far from transparent. In addition local judges at times refused to sit on panels with a majority of international

judges because the community holds them accountable for unpopular verdicts. In addition some international judges and prosecutors were not always familiar with applicable law in the province. In one case, this led to the release of suspected insurgents caught returning from Macedonia.

The lack of a tracking mechanism to identify cases from arrest through closure reportedly has created an opportunity for corruption among prosecution, court personnel, and defense counsel. The lack of a tracking mechanism also has been an obstacle to determining which police investigations are pursued by the District Prosecutor.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary; however, as a result of the 10-year period of resistance to Yugoslav oppression and consequent refusal to participate in Yugoslav structures, Kosovo only had about 186 licensed attorneys to handle all legal work. More than 1,000 students had trained in law under the parallel academic system taught during the 1990's, but had no access to a bar exam and were not licensed. The local Chamber of Advocates and UNMIK, after much negotiation, reached agreement on the substance of and modalities for a bar exam for Kosovo. The first exam in more than 10 years was held on December 15.

The defense bar remained weak and disorganized, and was rooted in a passive approach to defense due to years of practice under socialist and authoritarian codes. The OSCE established a local NGO, the Criminal Defense Resource Center, to assist in addressing these problems and to serve the defense bar in capacity-building. NGO's and international donors conducted training for the defense bar in international human rights laws and conventions.

Unlike their judicial counterparts, some Serb lawyers participated in the judicial system established by UNMIK in order to provide representation to Serb defendants; however, many Serb defendants were denied adequate representation due to a lack of participation by Serb lawyers and transportation difficulties for Serb lawyers. Courts in Serbia and "shadow" courts operating in some Serb enclaves in Kosovo continued to handle cases; personnel in these parallel courts reportedly were paid by the Serbian Justice Ministry.

When they began hearing cases in early 2000, the courts faced a high backlog of criminal cases. By June the courts had tried 6,036 criminal cases, the vast majority of them petty crimes and crimes against property; most resulted in fines or prison sentences under 6 months. Higher courts had heard over 500 appeals. The perception among legal experts and human rights observers is that a fair trial was unlikely in interethnic criminal cases heard or prosecuted by Albanian Kosovar judicial personnel, and as a result such cases routinely were assigned to international judicial personnel.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Albanian Kosovar judges were unanimous in rejecting Yugoslav and Serbian law. UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined first to apply the Kosovo code in effect in 1989, then to proceed to the Yugoslav and Serbian codes to the extent that the first code was incomplete. Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although initially they largely were unacquainted with these. International organizations and NGO's have implemented programs to increase the judiciary's awareness and application of international human rights laws and conventions.

Although the compilation of criminal law generally met accepted international standards, it was unwieldy and incomplete. The SRSG-appointed Joint Advisory Committee on Legislation, comprised of Kosovar and international legal experts, completed a new Criminal Code and a new Criminal Procedure Code; however, UNMIK had not approved them by year's end.

There were no confirmed reports of political prisoners; however, some Serbs convicted by the courts of war crimes asserted that they were political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits these actions and UNMIK authorities generally respected these rights; however, individuals occasionally accused KFOR and CIVPOL of using excessive force and improper behavior in executing weapons searches in private homes, including breaking down doors and destroying personal property.

In Mitrovica Serbs in the northern part of the city continued to seize Albanian Kosovar property. Ethnic Albanians in the southern part of Mitrovica continued to refuse ethnic Serbs access to their property there. Civilians also were responsible for the destruction, often through arson, of private property (see Section 5), of

which 218 cases were reported. There was evidence that Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase at inflated prices in order to break up and erode Serb neighborhoods through strategically targeted property purchases, possibly with the intention of ethnically cleansing these areas. For example, in the ethnically mixed town of Vitina/Viti, a bomb damaged a Serb-owned store, 1 day after the store's owners received an unsolicited offer to sell the property. In a similar incident in Vitina/Viti, unknown perpetrators set fire to barns belonging to Serbs; the Serb owners reported that they had received anonymous threats warning them to abandon their property. To combat the practice, in August UNMIK enacted a regulation requiring that sales between Albanians and minorities be reviewed by international municipal administrators; some local and international observers suggested that the regulation would harm those Serbs who wanted to liquidate their only remaining assets, without necessarily stopping the often difficult to prove practice of forced sales.

Respect for private property rights continued to be problematic. Withdrawing Yugoslav forces destroyed most existing property records and this, combined with the disruption of 10 years of Serbian authoritarianism and discrimination and massive property destruction during the conflict, complicated such issues, including how occupants of vacated properties could remain where they were living, how owners could reclaim rightfully their property, where returnees and internally displaced persons (IDP's) could live and build, and how potential investors could gain title to land before investing significant sums. The Housing and Property Directorate and the Housing and Property Claims Commission were responsible for resolving property issues and adjudicating disputes from the period March 23, 1989 through June 12, 1999. The courts had jurisdiction over other property disputes. In practice there was confusion over who had jurisdiction in many cases, and out of 7,000 inquiries on property issues, only 40 cases were decided. There were locally administered ad hoc solutions, and unregulated construction proceeded, although solutions for those persons without accommodation remained lacking.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

UNMIK regulations provide a framework for recognition of these rights, prohibit hate speech, and regulate media conduct; after some newspapers printed articles in 2000 that may have provoked attacks on alleged war criminals, UNMIK issued a regulation prohibiting articles that might encourage criminal activity or violence. Some local and international media observers and attorneys criticized this as an infringement of freedom of the press.

UNMIK Regulation 1999/24 requires that public officials respect international human rights laws and conventions, as does the Constitutional Framework. Through its regulation establishing the Department of Post and Telecommunications, UNMIK asserts control over the broadcasting infrastructure; the OSCE oversees the Department of Media Affairs. In February 2000, UNMIK issued Regulation 2000/4, which prohibited hate speech and speech that incites ethnic violence. In June 2000, UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC is responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct. The Constitutional Framework provides for an Independent Media Commission and a Board of the Public Broadcaster, both to be independent of the provisional institutions of self-government; however, they had not been created by year's end.

Irresponsible journalism decreased slightly after the TMC acted to enforce provisions in UNMIK regulations 2000/36 and 2000/37 that prohibited the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise. For example, in May and July 2000, the daily newspaper Dita (since closed) published articles, one on Petar Topoljski, an UNMIK Serb employee, and one accusing Serbian Orthodox priests of war crimes. Unknown perpetrators subsequently killed Topoljski, and two ethnic Albanians were arrested for attacking and injuring a priest and two seminarians. The TMC fined the newspaper approximately \$12,200 (DM 25,000). In its 2000 decision on Dita's appeal of the fine, the Media Appeals Board ruled that since the situation in Kosovo approximated a state of emergency, UNMIK's regulation did not violate international human rights laws and that Dita's article violated the UNMIK Regulation; however, the Board decided that the TMC did not apply proper procedures in fining Dita, and overturned the penalty. Although it was not fined, Dita went out of business. In decisions upheld on appeal, the TMC fined the daily Bota Sot for two violations of the regulation during year; a case involving a third daily, Epoka e Re, remained on appeal at year's end.

Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. Newspapers published in Albanian were printed in Kosovo and Macedonia; some journals in Serbian were printed elsewhere and imported, but the Bosniak weekly Alem was

printed in Kosovo. Most of the main dailies were aligned with different political parties.

At year's end, there were 92 radio and 24 television stations available in Kosovo. Of these 58 radio and 19 television stations broadcast only in Albanian, 4 radio stations broadcast in Albanian, Serbian and Turkish, 32 radio stations (including 7 low power stations limited to single enclaves) and 5 television stations broadcast in Serbian only, 2 radio stations broadcast in Turkish, and 3 radio stations broadcast in Bosniak. Of these three radio stations and three television stations are Kosovo-wide; one of the television stations provided programming in Serbian.

There were some attacks on journalists during the year (see Section 1.a.). There were some reported incidents where journalists working for an LDK-affiliated newspaper were refused entry to events sponsored by a rival party. Anecdotal evidence suggests that the intimidation of journalists, like other public figures, is underreported due to concerns for personal safety. In April 2000, Radio Kontakt, then one of the few stations to broadcast in Serbian, was the target of a grenade attack, and subsequently, one of its editors was shot and wounded while wearing her KFOR press identification. Radio Kontakt previously had sought protection from CIVPOL, KFOR, and the OSCE in response to threats and violence against the station, which promotes multiethnic programming. In response CIVPOL provided protection details for Radio Kontakt personnel, as well as security at the station premises.

Academic freedom was respected. The University of Pristina was in full operation beginning in the 2000-01 academic year, with new and pre-1989 staff. In 1999 the university terminated and expelled six professors who cooperated with Yugoslavia by teaching after 1989, when Kosovo lost its autonomy and a shadow education system was established.

b. Freedom of Peaceful Assembly and Association

UNMIK regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited the right to assembly. No written permit is needed to hold a demonstration, but organizers must notify UNMIK 48 hours in advance with the purpose, time, place, route, and contact person of the demonstration.

KFOR regularly used forcible means to disperse crowds. For example, in January KFOR used stun grenades to disperse a crowd of ethnic Albanians in Mitrovica who were protesting the death of an ethnic Albanian 15-year-old by a grenade attack by unknown assailants. In March KFOR broke up a crowd of Serbs protesting the arrest of four Serbs by CIVPOL. The crowd had surrounded the police station in northern Mitrovica, threw stones, and then set fire to a U.N. police car. The angry Serbs also had broken into CIVPOL officers' homes, beaten one officer, and thrown stones at the International Prosecutor's house. In April KFOR forcibly dispersed demonstrators who were protesting KFOR's dismantling of road blocks erected to protest the enforcement of a new UNMIK customs regime; a Serb man was injured trying to throw back a tear gas canister, and an elderly Serb woman died of a heart attack during the demonstration.

Following the bombing of the Nis Express bus on February 16 (see Section 1.a.), several demonstrations occurred in Kosovar Serb enclaves. While most of these demonstrations were peaceful, demonstrations in Gracanica and Zubin Potok were violent and protestors damaged UNMIK vehicles and wounded a CIVPOL officer (see Section 1.c.).

In its regulations governing the definitions of and registration requirements for both political parties and NGO's, UNMIK stated specifically that such regulations did not affect the right to association, and UNMIK generally respected this right.

c. Freedom of Religion

Regulation 1999/24 binds local officials to respect freedom of religion and to prohibit discrimination based on religion under international human rights laws and conventions, and the Constitutional Framework requires respect for freedom of religion; UNMIK authorities generally respected this right.

In light of societal violence in Kosovo against properties owned by the Serbian Orthodox Church and Serbian Orthodox religious symbols (see Section 5), UNMIK authorities took extra steps to protect religious sites and to ensure that members of all religious groups could worship safely. KFOR deployed security contingents at religious sites throughout the province to protect them from further destruction, such as that which had occurred immediately after KFOR's intervention in June 1999. KFOR remains solely responsible for guarding all Serbian Orthodox patrimonial sites, although it has proposed to UNMIK that this function gradually be handed over to the indigenous Kosovo Police Service.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Applicable law provides for freedom of movement; however, both the aftermath of war and practical obstacles restricted such movement in practice. Serbian Kosovars and, to a lesser extent other minority communities, found it difficult or impossible to move about without an international security escort. Because of a deliberate campaign by Serb and Yugoslav forces during the war of "identity cleansing," in which they confiscated and destroyed citizen identification documents and destroyed the central and municipal archives and civil registers, many Kosovars had no documents of identity. Some persons who retained Yugoslav passports or who obtained them later from the Yugoslav Office in Pristina continued to find them invalid or unrecognized by neighboring countries. UNMIK published a regulation in March 2000 that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. The complexities of registering mass numbers of persons without any personal documentation, and problems with data entry that required restarting the process, has slowed down the process of issuing civil identity cards and therefore of travel documentation. By the end of the year, UNMIK had issued over 1 million identity documents, but the processing of travel documents was slower, and only approximately 35,000 were issued. Some 23 countries have recognized UNMIK travel documents, primarily the European Union and the U.S.; negotiations were ongoing with Balkan, Eastern European and Middle Eastern countries. In the interim, the SRSG issued individual travel letters in limited cases, but only a few countries recognized these documents.

While precise figures are unavailable, substantial numbers of Serbian Kosovars and Roma fled Kosovo following the conflict. Many displaced Serbs did not register with international agencies, but there are estimates that approximately 150,000 displaced Serbian Kosovars remained in Serbia (although UNHCR has estimated the number to be slightly lower); 20,000 remained displaced in other countries, largely Montenegro, and a few remained in Macedonia. Some Roma and members of other minorities also remained displaced in Montenegro. The number of displaced Roma also was difficult to estimate, although some sources reported that as many as 25,000 Roma fled Kosovo in the aftermath of the conflict; most did not return. Those who remained in Kosovo or who did return led lives restricted by ethnic threats from some of their Albanian neighbors (see Section 5).

After Milosevic withdrew Yugoslav troops from the province in June 1999, the UNHCR oversaw the immediate return of some 882,000 Albanian Kosovar refugees and IDP's from surrounding regions and other countries; approximately 150,000 more have returned since that time. While UNMIK and the international community were able to address many of the most pressing problems of the returnees, problems remained in obtaining sufficient housing, social services for the most vulnerable, property records, and education. Following the establishment of a civil administration by UNMIK, several countries that had offered temporary refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo. In October 2000, UNMIK asked countries to suspend returns until March 2001, when they were restarted.

Approximately 100,000 Serbs, 30,000 Roma, and 67,000 other minorities remained in Kosovo. Most of the Serbs and about 25,000 Roma who fled when Yugoslav forces withdrew did not return, except in individual cases, due to fears of ethnic violence and a lack of economic opportunity, housing, and other basic services. Reportedly many Serbian Kosovars previously employed in the public sector or in social enterprises continued to receive at least part of their salaries from the Yugoslav government. UNMIK, the UNHCR, and the international community began a minority stabilization program to address some of these assistance needs.

In May 2000, UNMIK established the Joint Committee on Returns (JCR) with participation from KFOR, the UNHCR, and the Serb National Council to facilitate and coordinate returns of minorities to Kosovo. The JCR drafted a Joint Platform for Action that set out plans for phased, small-scale returns to locations throughout Kosovo. Albanian Kosovar political leaders espoused support but sent mixed signals in the press. Security concerns and periodic spikes of violence, in some cases directed against returnees and seemingly timed to exercise a chilling effect, prevented international organizations from encouraging returns. However, in August the JCR cooperated with bilateral donors to assist the return of about 85 Serb heads of family to the village of Osojanje/Osojane, in Istok/Istog municipality. NGO's and KFOR reported that some municipalities, notably Kamenica/Kamenice, Novo Brdo/Novoberde, and Gnjilane/Gjilan saw individual and small-scale returns by Serbian Kosovar families, some of which were sponsored by outside agencies, and some of which were voluntary. The UNHCR and OSCE reported that the outflow of Serbs to Serbia is tapering off. While firm return numbers are very difficult to confirm, the UNHCR estimated that approximately 500 persons from nonmajority ethnic communities returned during the year, of which approximately 400 were Serb.

Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be serious problems for minorities (see Section 5). Several villages that were ethnically mixed previously have become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK provided security to enclaves and minority settlements, and escorted minority members who left their

residence areas to visit family, gather fuel, shop for food and other goods, attend school, and receive medical care. KFOR regularly escorted convoys of private vehicles. In September the UNHCR transferred responsibility to UNMIK for providing buses to transport Serbs in larger numbers between enclaves and into Serbia. In February there were two attacks against KFOR-escorted Serb convoys, resulting in the deaths of 11 Serbs and the wounding of approximately 45 (see Sections 1.a. and 5). Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians.

Some minorities—including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma—lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas of Kosovo (see Section 5). Bosniak leaders have complained that many thousands of their community have left Kosovo both because of discrimination and a lack of economic opportunity. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid (see Section 5).

In Mitrovica there were restrictions on freedom of movement due to ethnically-based harassment (see Section 5). Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. In August bridgewatchers reportedly attacked an Albanian Kosovar escorted by a KFOR soldier, throwing rocks at the latter.

Serbs set up roadblocks protesting UNMIK's enforcement of a customs regime (see Section 2.b.).

The law does not provide for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The province does not provide first asylum; however, refugees from the conflict in Macedonia were assisted in Kosovo by UNHCR during the year.

UNMIK and local authorities cooperated with UNHCR and other humanitarian organizations to assist returning refugees.

Approximately 12,000 refugees from the internal conflict in Macedonia remained in Kosovo at year's end.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

From 1989 until NATO's intervention in 1999, Albanian Kosovars expressed their frustration with the province's status within Serbia through a boycott of the political system. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors, including donors, began to organize first for the municipal elections held in October 2000, and then for elections for a Kosovo-wide government.

One of the most critical elements of the establishment of both a civil administration and an electoral process was the registration of Kosovo's legitimate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.). At the conclusion of the initial electoral registration effort by the OSCE in 2000, about 901,000 of an estimated population of over 1 million persons successfully registered to vote; Serbian Kosovars and most members of the Turkish community did not register. After a second registration effort from July through September, aimed at registering both Albanians not previously registered and Serbs and other minorities, OSCE estimated there was a total of approximately 1.2 million registered voters. These included about 210,000 non-Albanians, mostly Serb and Roma, about half of whom were IDP's living outside Kosovo.

Prior to the 2000 municipal elections, UNMIK established a Central Election Commission and 30 municipal election commissions, charged with establishing electoral rules and with organizing the operational details of the elections; these were reactivated in substantially the same form for the November 17 general elections. Membership on the commissions was adjusted following complaints that the prior formula favored LDK.

Pursuant to UNSC Resolution 1244, UNMIK established the JIAS for Kosovo, intended not only to provide a joint U.N.-Kosovar administration of services and revenue collection but also to supplant self-appointed administrators and officials throughout the province. The JIAS included the SRSG, the 35-member Kosovo Transitional Council (KTC), the IAC, and 20 administrative departments. The KTC—the highest level Kosovar advisory body—reflected the ethnic and political pluralism of Kosovar society. The 12-member IAC made policy recommendations and served as an executive board. The departments, each with a Kosovar and an

international co-head, provided social and administrative governmental services. The KTC was disbanded at the opening of the general electoral campaign on October 3, and JIAS co-heads resigned at the same time, as their departments were consolidated and reorganized to become the nine Kosovar Ministries planned for the provisional government under the Constitutional Framework and its implementing regulations.

The Assembly elected on November 17 was responsible for electing a President of Kosovo and for approving the Prime Minister and Ministers of the Government but did not complete the process at year's end.

At the close of the party certification period for the November 17 general elections, the CEC had certified a total of 26 political entities. Of these there were three independent candidates, one Serb citizens' initiative (Koalicija Povratak or Coalition Return, reportedly supported by as many as 21 Serb political parties), one Turkish party, one Roma party, one Egyptian party, one Ashkali party, one Bosniak party and one Bosniak/Gorani coalition. There also was one Albanian coalition, and the remainder were ethnic Albanians parties. Four political parties were denied certification, generally because they did not meet requirements, and three persons were banned from participation by the SRSG due to their reported association with political violence. After several extensions of the registration and intense negotiations, a Serb citizens' initiative reportedly backed by 21 Serb political parties, certified to participate in the November elections (see Section 3). Roma, Ashkali and Egyptian political parties all were certified to run candidates as well.

The November 17 general elections attracted participation by all ethnic communities. The 45-day electoral campaign period saw little tension and almost no violence, although there were minor scuffles at rallies. In Djakovica/Gjakove a crowd of about 50 ethnic Albanians threw rocks at a convoy of Serb politicians representing Povratak and visiting a local church in November. Two days before the election, there was an explosion outside the Zvecan municipal building and a live hand grenade was found nearby in a separate incident. The explosion did not cause any injuries and there was minimal property damage; police speculated that the explosion was intended to frighten citizens, and may have been part of a campaign in northern Kosovo by some Serbs to discourage Serb participation in the election. The Election Complaints and Appeals Sub-Commission (ECAC) heard 240 complaints during the campaign and assessed approximately \$40,000 in fines by the end of the year, mostly for procedural violations, an increase over the previous year. Violations included: violence or threats of violence by LDK members against those of the PDK and the Peoples Movement of Kosovo (LPK), and vice versa; an LDK member's obstruction of a journalist from conducting investigative reporting; a PDK failure to abide by prior ECAC decisions (two candidates were removed from the ballot); noncooperation with CIVPOL by the AAK at a rally; and threats between the two Bosniak political entities. ECAC also fined two daily newspapers and a radio station for unfair media coverage.

International and domestic observers and security officials saw no significant violence on election day. Observers found that the election was well-organized and met international standards. Total voter turnout was 64.3 percent, while out of Kosovo-in Person (voters from Serbia and Montenegro) turnout was 57.4 percent. Eleven political parties and 3 coalitions won seats for the assembly. Out of the 100 assembly seats at issue, the LDK won 47, the PDK 26, the Serb coalition Povratak 12, the AAK 8, and all other parties and groups, 1 each. In addition Povratak gained 10 seats set aside for Kosovo Serbs, for a total of 22 Assembly seats, and other minority parties shared another 10 set-aside seats. On December 10, the Assembly held its inaugural session, and selected five of seven Presidency members, including the Assembly President. At the end of the year, the Assembly had not yet elected the President of Kosovo, nor endorsed a government.

The October 2000 municipal elections attracted participation by 22 political parties, a coalition of 6 parties, 3 citizens' initiatives (grassroots organizations formed for political purposes), and 16 independent candidates. Serbs, citing security concerns and a lack of freedom of movement, did not participate in the registration process and boycotted these elections; they did, however, participate in Yugoslav and Serbian parliamentary elections in September and December 2000. Many Turks, due to a dispute with UNMIK over the use of the Turkish language, also did not participate, although one Turkish political party did. Other minorities participated in the registration effort and in the municipal elections; several minorities put forward political parties and citizens' initiatives that won municipal seats in the vote. In some cases minorities agreed to accept appointed seats after the elections. There was an increase in politically-inspired violence and intimidation in the period prior to the October 2000 municipal elections. Political parties, especially the LDK but also the PDK and other parties, reported attacks on political figures, both before and after the October municipal elections. In most cases, no suspects were arrested; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases.

Despite the violence in some areas prior to and after election day, the municipal elections themselves were held on October 28, 2000 with virtually no violence. Voter turnout was approximately 79 percent. International and domestic observers reported some irregularities and logistical flaws, including underage voting, incomplete registration data, late polling station openings, and a lack of crowd-flow systems at many stations that resulted in occasional minor crowd unrest. However, election officials were able to address most problems during the

course of the day. The Council of Europe observer mission concluded that the elections were carried out in accordance with international democratic standards and met the criteria for credible elections. The LDK won 58 percent of the overall vote, compared with 27 percent for the Democratic Party of Kosovo (PDK) and less than 8 percent for the Alliance for the Future of Kosovo (AAK). A number of small parties won the remaining votes. Members of the assemblies in three Serb-majority municipalities where elections were largely boycotted were selected and sworn in December 2000.

Yugoslav authorities organized polling sites inside Kosovo for those who wished to vote in Yugoslavia's federal elections on September 24, 2000. According to UNMIK, which did not support this electoral activity but which sent out several hundred "witnesses," approximately 45,000 of roughly 60,000 eligible Kosovar Serbs turned out, but only a handful of Kosovar Albanians voted. The Yugoslav elections were peaceful; however, the voting was conducted in a disorganized, illegitimate, and fraudulent manner.

Despite pledges from most parties that they would cogovern with their rivals, there was little postelectoral cooperation. In three municipalities, the winning party selected a deputy mayor from an opposition party, and in others, the municipal leadership selected members of other parties as office directors and other civil servants, but the postmunicipal election period has been marked by interparty squabbling.

After investigating incidents associated with the municipal elections, the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) imposed a series of penalties on some political parties. These penalties included fines of up to \$2,400 (DM 5,000) and, in one case, a candidate being stricken from the PDK list of candidates. Faced with the OSCE threat of decertification, the parties paid all outstanding penalties by the summer.

The percentage of women in government or politics does not correspond to their percentage of the population, although there are no legal restrictions on women's participation in government and politics. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. Nonetheless women held between 4 and 7 of the 35 KTC seats, led at least 2 political parties, and were coheads of 2 JIAS departments, from early 2000 until the end of the year. Although UNMIK electoral regulations for the municipal elections required that 30 percent of party candidate lists be women, the "open list" system allowed voters to ignore female candidates, resulting in just over 8 percent of the municipal seats going to women. UNMIK corrected the procedure for the November 17 election, requiring that every third candidate be female, and women won 34 Assembly seats, 28 percent of the total. A female human rights activist and former political prisoner in Serbia, Dr. Flora Brovina, ran for President on the PDK ticket during her electoral campaign; however, the PDK did not nominate her for consideration by the Assembly in its deliberations on the Presidency.

The percentage of ethnic minorities in government and politics did not correspond with their percentage in the population, although no legal restrictions exist on participation by ethnic minorities in government and politics. The Constitutional Framework requires that the Assembly include 10 reserved seats for Serbs and 10 for members of other minorities, in addition to the 12 seats Serbs won and the 2 seats other ethnic minorities won in the November elections. The Kosovar co-head positions in JIAS departments were shared by minority groups, with two such positions reserved for Serbs and two for other minority members. The Serbs, through the Gracanica-based Serb National Council (SNV), participated in JIAS organs. A prominent Serb observer sits on the IAC; three Serbs, five other members of ethnic minorities and a Roman Catholic cleric held positions on the KTC. Although Serbian Kosovars boycotted the municipal elections, they registered the Coalition Return citizens' initiative for the November general elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. UNMIK was cooperative and responsive to their views. UNMIK and the OSCE continued their encouragement of the development of civil society, including domestically based NGO's. In November 1999, UNMIK issued a regulation on NGO registration; over 900 domestic NGO's are registered and active in the province. A broad range of U.N. agencies and numerous international organizations and NGO's pursued operations in the province to assist with administration and to provide relief to all Kosovars as they faced the aftermath of war. This included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of trauma (see Sections 1.b. and 2.d.). The International Organization for Migration (IOM) coordinated over fifty humanitarian projects for the KPC, often in collaboration with nongovernmental organizations (NGO's).

Human rights monitors, including those of the OSCE as well as some associated with domestically based

NGO's, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation (see Sections 1.a., 1.b., and 1.c.). Monitors and observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE monitors generally were able to carry out their mandate on an ad hoc basis in most courts and prisons (see Section 1.c.).

In June 2000, UNMIK authorized the establishment of the Institution of the Ombudsperson (the OI) to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses by governmental entities. Following the opening of his office in November 2000, Ombudsperson Marek Nowicki and his staff received more than 350 complaints, of which almost a third were made by Serbs, and about 10 percent by other minorities. The largest number of cases (almost half) involved property rights, with employment, fair hearing and liberty rights applications also pursued in significant numbers. While the OI had no authority to intervene in cases against KFOR and while UNMIK extends broad immunities to its employees, the OI nonetheless exercised advisory authority both in individual cases and through general unofficial opinions.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, religion, or ethnic origin; however, violence and discrimination against women and ethnic minorities persisted.

Women

Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. Applicable criminal law, as defined by UNMIK regulation, is incomplete in addressing both domestic violence and sexual crimes. There are no governmental agencies dedicated to coping with family violence. Several domestic and international NGO's pursued activities to assist women, but they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape. In Kosovo's traditionally male-dominated society, domestic abuse of women is culturally acceptable. Credible sources reported that violence against women increased in the post-conflict period. Few victims of spousal abuse ever file complaints with the authorities. The Kosovo Police Service School, charged with training the KPS, included segments on domestic violence and rape in its curriculum. In October UNMIK commended six KPS officers for their part in preventing a gang rape and arresting its would-be perpetrators.

Rape is underreported significantly due to the cultural stigma attached to victims and their families. Tradition prevents much discussion of the topic of rape among ethnic Albanians, since the act is seen as dishonoring the entire family. The frequent use of rape by Yugoslav and Serbian forces and the KLA in the summer of 1999 has heightened the profile of rape as a form of war crime (see Section 1.c.), but few individual women have come forward publicly. During the year, police registered over 103 rapes and rape attempts in the province, an increase in the number of reported cases over the previous year. However, there is credible anecdotal evidence, supported by customary practice, that rape is underreported significantly.

The province served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (see Section 6.f.).

Women traditionally do not share status equal to men, and relatively few women obtain upper level management positions in commerce or government, although there is no legal restriction on their doing so. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their families, continued to subject women to discrimination. In some rural areas, women often have little effective right to control property and children. Women widowed by the war risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. While legally women and men have equal rights to inherit property, it is customary that family property passes to men only. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all JIAS departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas and for facilitating consultation between UNMIK and women's organizations. UNMIK Regulation 1999/24 binds government officials to abide by the provisions of international human rights law and conventions, but that requirement has not yet benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international and nongovernmental organizations opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE launched an aggressive campaign to recruit women for the Kosovo Police Service (they make up 17 to 20 percent of the force). Women are increasingly active in political and human rights organizations; several professional women worked as NGO and human rights activists.

Children

UNMIK established the JIAS Departments of Education and Science and of Health and Social Welfare, which addressed concerns about children's education and health. UNMIK issued a regulation in August 2000 making enrollment in public school compulsory for children between the ages of 6 and 15 (with only minor exceptions). The regulation made no provision for a waiver due to ethnic concerns, but authorities did not enforce it where ethnically-based security concerns existed. For example, Serb and Roma parents were reluctant to send their children to the reopened schools despite the efforts of the authorities to provide security. Educational inequities continued to exist among ethnic communities, but varied depending on the community in question. Following Kosovo's loss of autonomy in 1989, Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. There were some examples, notably in Kamenica/Kamenice, where Albanian and Serb children attended separate classes on the same compound; however, most minority children continued to attend separate schools.

Although public schools run by UNMIK and then the JIAS Department of Education were reopened, extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages continued to hinder the full functioning of the education system. Both because of a lack of freedom of movement and because of reluctance to depart from a Belgrade-based curriculum, Serbian Kosovar children attended neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. In Lipljan/Lipjan, Serbs refused to send their children to school because the facilities were temporarily housed in donated containers while authorities worked with community leadership to identify a site for building a new school. During the year, international organizations continued to rebuild and equip schools and the numbers of students enrolled in school increased. According to a World Bank Poverty Assessment issued in September, enrollment for both Serb and Albanian children at the primary level was almost universal; numbers dropped but remained high at the secondary level. Serb girls were less likely than Albanian girls to drop out after primary school. In rural areas, lack of transportation made families reluctant to send girls to school since the prospect of future employment was slim. Roma, Ashkali and Egyptian children attended mixed schools. Roma children reportedly faced intimidation and their community's poverty and tendency not to place a high premium on education over early contributions to the family income hampered schooling. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children, particularly minority children. Humanitarian aid officials primarily blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. Observers believe that the high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead at the Trepca industrial complex, contributed to poor health conditions as well.

The province served as a destination and transit point for trafficking in girls for the purpose of prostitution (see Section 6.f.).

There was no societal pattern of abuse of children.

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the level of unemployment posed obstacles to the employment of the disabled. The law mandates access to new official buildings; however, it was not enforced in practice.

Religious Minorities

Religion and ethnicity are intertwined so closely that it is difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. Serbian Kosovars identify themselves with the Serbian Orthodox Church, which defines not only their religious but also their cultural and historical perspectives. However, the

political identities of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have religious roots.

There were some attacks on Serbian Orthodox churches and cemeteries during the year, presumably by ethnic-Albanian extremists, although the number of such attacks decreased. On February 7, unknown assailants planted a bomb in an Orthodox church in the village of Gornji Livoc, destroying it. On February 8, unknown assailants reportedly fired shots at the Draganac monastery. Also in February, ethnic Albanians fired mortar rounds into a Serb village near Orahovac/Rahovec, and mortar rounds fell next to an Orthodox cemetery. In August unknown persons threw a grenade into the yard of a Serb couple living just behind the local church; damage to the church may have been intended. In November a chapel in the cemetery in Staro Gracko, near Lipjan/Lipjan, was bombed during the year; the chapel was damaged and nearby gravestones were damaged.

Propaganda and anti-Orthodox expressions continued during the year. In early September, more than one newspaper published a letter from an alleged local human rights activist in Decani/Decan, falsely asserting that the monks at the Decan Monastery had assisted in Serb paramilitary activities during the conflict. In the absence of a formal complaint, the TMC took no action against the newspaper.

Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije Radosavljevic, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in Gracanica, near Pristina, rather than at his diocesan seat in Prizren (see Section 2.c.). Other leading Orthodox clerics also left their home parishes to reside in Gracanica. However, at the beginning of the year, Father Sava Janjic returned to his home monastery in Decani/Decan, and nuns and some monks remained, under KFOR protection, at the Pec/Peja Patriarchate.

National/Racial/Ethnic Minorities

Although the high level of retaliatory anti-Serb violence that followed Yugoslavia's 1999 withdrawal dropped significantly, ethnically motivated violence and crime continued to affect minorities. Serbs, Roma, and other minorities were victims of murder, kidnaping, assault, and property crimes, especially arson. Observers attributed the drop in violent crime to increased CIVPOL and KPS efficiency, the lessening of tensions with the passage of time, and the fact that Serbs and Roma drastically restricted their movements (see Section 2.d.).

There were a number of attacks on, and killings of, ethnic Serbs during the year. On February 13, unknown assailants attacked a KFOR-guarded convoy near Urosevac/Ferizaj, killing one Serb and wounding three others. On February 16, attackers set off a bomb near Podujevo/Podujeve, destroying one of 5 buses in a KFOR-escorted Serb convoy, killing 10 Serbs and wounding more than 40 others (see Sections 1.a. and 1.d.). On February 18, Serb passport official Aleksander Petrovic was killed and four Serbs were wounded when a car bomb exploded in front of their Pristina office; police arrested a foreign-born former KLA mercenary, Roland Bartetzko. On February 27, Branko and Savita Jovic, an elderly Serb couple in Kamenica/Kamenice municipality, were found beaten to death by unknown assailants. In April and May, at least three Serbs were killed in separate drive-by shootings in Vitina/Viti municipality. On August 5, unknown assailants threw a grenade into a Serb couple's backyard in Gernica/Cernica near Gjilane/Gjilan, killing the husband and injuring the wife. Also in August, unknown assailants killed a Kosovar Serb in Strpce/Shterpce. On August 7, attackers shot at a convoy of Serb cars near Podujevo/Podujeve, wounding three persons. On September 4, unknown assailants stabbed a Kosovar Serb farmer to death in Vrbocvac, near Vitina/Viti. On September 28, unknown assailants shot and killed former Serb police officer Trajan Trajkovic in Kopernica, near Gnjilane/Gjilan. On September 30, a Serb woman was killed by an explosive device, possibly planted shortly beforehand, in a field near Vitina/Viti. On December 2, unknown assailants in Obiliq killed an elderly Serb woman in a drive-by shooting, as she walked home with her husband from the train stop to their home. There were no new developments in the majority of ethnically-related killings that occurred in 2000.

Retaliatory violence against Albanians continued. On January 29, unidentified assailants threw grenades at a group of ethnic Albanians in Mitrovica, killing one boy and wounding five others. Subsequently an Albanian crowd beat and seriously wounded an OSCE translator. Ethnic Albanians also later stoned the train bringing Serbs from Obilic/Obiliq to Mitrovica, forcing the train to return south. In February UNMIK police arrested three Serbian Kosovars for the killing during the same month of ethnic Albanian Raif Vllasi in Kamenica/Kamenice municipality. After a bomb destroyed a vacant Serb house in Partes/Parteshi on March 12, a group of Serbs gathered along the highway and started attacking passing vehicles in protest. Twelve cars and 4 trucks were damaged; the crowd severely beat one Albanian truck driver, who was hospitalized for 4 days. On August 21, unknown attackers killed ethnic-Albanian Hamze Hajra, his wife, and three children in an ambush; police believed the killings were retribution for Hajra's employment with the Serbian police prior to 1999. In October Serbs allegedly murdered an Albanian in the Little Bosnia section of Mitrovica.

Although the number of murders and reported attacks on other minorities decreased, there were numerous incidents of violence against Roma and Ashkali, including murder, disappearance, and beatings. For example, in an August 7 grenade attack in Stimlje/Shtime on a Romani family, five persons were injured; reportedly the family recently had returned from refuge in Macedonia. In July Serbs in Zvecan reportedly attacked and beat a group of some 40 Ashkali returning from Serbia to live in Kosovo Polje/Fushe Kosove. Between February and June, at least six Romani houses were set on fire. Many of the remaining Roma in Kosovo were settled in enclaves and encampments and were almost wholly dependent on humanitarian aid to survive; others lived outside enclaves (see Section 2.d.). In Kosovo Polje/Fushe Kosove, Podujevo/Podujeve, Lipjan/Lipjan, and Gnjilane/Gjilan, there was some degree of harassment by neighboring Albanians, especially in the latter two towns. However, there were areas, notably around Urosevac/Ferizaj and Djakovica/Gjakove and Janjevo/Janjeve where Roma, Egyptians, and Albanians reportedly lived together without major incidents. The UNHCR reported that Albanian Kosovar hospital workers discriminated against Roma.

Although there were some efforts to resettle Roma, Ashkali and Egyptians in their prior homes, security concerns persisted (see Section 2.d.). For example, in November 2000, four displaced Ashkali were killed after they returned to their village of Dosevac/Dashevc near Srbica/Skenderaj to rebuild their houses, which were destroyed during the war.

Civilians were responsible for the destruction, often through arson, of private property. There were 218 cases of arson during the year, at least 62 of them directed against Serb properties and another 20 against other minorities. The reported phenomenon of "strategic sales" persisted and grew: violence, intimidation, and attractive price offers were used to convince Serbs to sell properties at key locations, leading to the erosion of Serb neighborhoods and a consequent increase in isolation of those remaining (see Section 1.f.). Of the approximately 120,000 homes damaged by Yugoslav and Serbian forces and paramilitaries from 1998 on, 60,000 houses were beyond repair and, despite the efforts of international organizations, another 38,000 were not habitable (see Section 1.f.).

Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic/Leposaviq, Zubin Potok, and Zvecan, in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR transferred responsibility to UNMIK for providing buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business (see Section 1.f.).

In April 2000, the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Albanian Kosovar leaders visited those areas where local Albanians and Roma were trying to establish more cooperative interethnic relations, thus encouraging a climate conducive to the return of those who fled the province earlier. Nonetheless little progress was made in resettlement of Roma, Ashkali, and Egyptians; Roma continued to experience difficulty in obtaining freedom of movement (see Section 1.f.).

In Mitrovica Serb and Albanian Kosovars harassed each other and restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. Serbs in the northern part of the city continued to seize Albanian property resulting in numerous illegal house occupations. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians.

Section 6 Worker Rights

a. The Right of Association

On October 8, the SRSG promulgated Regulation 2001/27 on the Essential Labor Law for Kosovo, which provides for fundamental rights at work, including the employment relationship, terms of employment, and, without specifically mentioning a right of association, the right to form and belong to organizations including unions without employer interference. Unions were consulted in the drafting of the legislation. In creating the JIAS Department of Labor and Employment, UNMIK included in its responsibilities policy recommendations on labor practices and the rights of workers and recognized labor as one element of an eventual tripartite commission, but did not include a specific right of association.

After the war, labor organizations, which had focused during the 1990's on members' welfare, redirected their

focus to traditional labor issues. The dominant group, the Confederation of Independent Trade Unions of Kosovo (BSKP), was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990's; its membership is approximately 40,000 active members. Its president was a member of the KTC until its disbanding on October 3. The BSKP continued to work with international entities, including the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU), to rebuild its membership. Other trade union organizations include the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosovo.

The right to strike is not recognized in the law; however, strikes are not prohibited. Nothing in the law addresses labor disputes. In October UNMIK, the BSPK, and the Chamber of Commerce concluded a Tripartite Agreement which may be used for agreements on labor disputes. On February 28, several thousand local trade union supporters protested in Pristina to demand approval of broad-ranging labor legislation.

The ability of unions to affiliate internationally remained constrained in practice, although there are no legal impediments to their doing so, and the legislation expressly permits such affiliation.

b. The Right to Organize and Bargain Collectively

The labor law adopted in October provides for the right to organize and bargain collectively; however, collective bargaining was at a rudimentary level of development. The history of trade unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, wages other than those paid by international and nongovernmental organizations rarely were paid on time, and there is little possibility for negotiation by labor organizations.

Antiunion discrimination is prohibited.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The law prohibits forced or bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for

Employment

Under labor law dating from before 1989, the minimum age for employment was 16. The October labor law sets the minimum age at 18 for any work likely to jeopardize the health, safety or morals of a young person, but permits children to work at 15, provided such work is not harmful and is not prejudicial to school attendance; however, in villages and farming communities younger children work to assist their families. In addition children were found in a variety of unofficial "retail" jobs, typically washing car windows or selling newspapers and small items such as cigarettes. With an unemployment rate in excess of 60 percent, real employment opportunities for children in the formal sector were nonexistent.

The law prohibits forced or bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate, because Kosovar Albanians refused to recognize the Yugoslav-Serbian legal code. During the year, the unemployment level exceeded 60 percent, and the average wage paid to those who had work was insufficient to provide a decent standard of living for a worker and family. While many international agencies and NGO's paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of the province's own governmental structure, even if funded by the international

community, should be set at a level estimated to be supportable by the consolidated budget. Salaries under the Kosovo Consolidated Budget were barely enough to support a worker and a family. The October labor legislation provided for a minimum wage, but did not set its level.

Reports of sweatshops operating in the province were rare, although some privately owned textile factories operated under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards, and focused their efforts instead on economic survival. The law does not safeguard the jobs of employees who remove themselves from dangerous situations. However, in December UNMIK adopted an administrative instruction on labor inspection, and labor inspectors began their work at year's end.

f. Trafficking in Persons

Regulation 2001/4 specifically prohibits trafficking in persons and trafficking was a serious and growing problem. The province was mainly a destination point, but also a transit point for women and girls trafficked for the purpose of prostitution. Police and the IOM agree that although there is little data, the problem is probably large.

The majority of trafficked women were from Moldova, Ukraine, Bulgaria, and Romania, and to a lesser extent from Kazakhstan, Belarus, and Albania. Security authorities also reported that women and girls were smuggled through Kosovo to Macedonia, Albania, and Italy. There were several kidnappings and disappearances of young women who subsequently were not located. Some local sources believed that these women were the victims of traffickers in some cases, although there is no clear evidence that this was the case. Traffickers into the province are reportedly linked to organized crime, rather than with employment agencies or marriage brokers. Evidence suggested that trafficking in women was an example of a coordinated effort between ethnic Serbs and Albanians, like other areas of organized crime. Women were recruited to work in cleaning jobs and are abducted and forced into prostitution. Trafficked victims work in Kosovo's sex industry, primarily in brothels and nightclubs. While some women were aware that they would enter the sex industry, they were not aware that they effectively would be imprisoned and unable to earn money. Trafficking victims reported that they were subject to physical violence, rape, denial of access to health care, and confiscation of their passports. According to the IOM, the presence of a large international community has contributed to the increase in the number of brothels that are involved in trafficking, but women rescued from the brothels often report that the majority of their clientele was local.

Since nothing in the applicable law, as defined by UNMIK Regulation 1999/24, provided an effective legal framework under which to address trafficking, during the year a Kosovar/international working group drafted a Regulation on the Prohibition of Trafficking in Persons in Kosovo, making the offense a crime punishable by from 2 to 20 years in prison, and providing for victim assistance. UNMIK promulgated the Regulation, 2001/4, in January.

UNMIK actively investigates cases of trafficking and UNMIK police raided several brothels and nightclubs throughout the year all over Kosovo. However, to date, lack of a witness protection program and inadequate training for judicial personnel resulted in only a few convictions under the regulation. In addition because prostitution is punishable under provincial law, women often were afraid to report their traffickers due to fear of arrest. During the year, four CIVPOL officers were arrested for complicity in trafficking or prostitution during the year; all were expelled or voluntarily returned home. In July a man in Prizren with arrests for trafficking prior to the promulgation of the regulation was arrested for continuing to operate a brothel where trafficked women worked; he was convicted under the regulation and sentenced to prison. In October police detained five persons entering Kosovo near Podujevo/Podujeve: three trafficked women were accompanied by their captors, a Serb and an Albanian. The Trafficking and Prostitution Investigations Unit (TPIU) has registered 1,028 foreign women who have been questioned at least once by police. According to the TPIU, there were 52 charges of trafficking against suspects during the year. As of October, according to the OSCE's Legal Systems Monitoring Unit, 21 cases were in some stage of court proceedings. Of these trials were held in 8, with sentences ranging from 5 months to 6 years.

The OSCE has been involved in integrating trafficking into other work on organized crime and in gathering data, working on legislative review and data-gathering initiatives within the framework of the Stability Pact Trafficking Task Force. The IOM launched an awareness campaign directed at UNMIK, KFOR, and local men who purchase the services of women who were most likely to be trafficking victims, and ran an information campaign targeted at potential trafficking victims in Kosovo, using print and broadcast media. The IOM also offers free office skills courses at their employment assistance office, which approximately 300 women have

attended, including 170 minorities.

UNMIK does not provide any official residency status to victims. Those who do not accept assistance from IOM generally are released, but if they continue to work as prostitutes, they are subject to rearrest, short jail sentences, and deportation. Some women who were trafficked have been jailed or made the subject of deportation orders by local judges. According to the police, when a woman is picked up in a raid, she is assumed to be a victim and is offered shelter and repatriation assistance. If she accepts, she is transferred to IOM. If she refuses, she is generally released if this is a first contact. Prostitutes who are not trafficking victims are also allowed to go with a warning if this is their first contact with the police. Prostitution is, however, a misdemeanor (subject to a 30-day sentence), and local judges have sentenced women, including those who were trafficked but refused repatriation, to jail. Moreover, judges have issued deportation orders against some women for lack of proper documentation.

Several international agencies and NGO's established programs to assist the victims of trafficking with material support in returning to their countries of origin or homes, if they so wished. The efforts of UNMIK, OSCE, IOM, and various international and local NGO's led to the repatriation of over 250 women to their home countries.

Montenegro

Montenegro is constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia, and its efforts to build a multiparty, multiethnic, parliamentary democracy continued; however, systemic deficiencies, including the legacy of one-party rule and a socialist economy, years of war and economic sanctions and economic stagnation impeded its progress. The Republic Government remained minimally subordinate to Yugoslavia in foreign affairs and defense matters. Under the Milosevic government, Montenegro distanced itself from the regime and acquired a large degree of independence. It has a separate customs regime, a separate visa regime, its own central bank, a diplomatic service, and uses the Deutsche Mark as its currency. The Government's tenuous ties to Serbia were tested in April parliamentary elections; a generally moderate proindependence coalition headed by President Milo Djukanovic won a plurality and governs with the support of a proindependence party that has not joined the Government. However, the election was closer than anticipated; political groups opposed to independence from the Federation showed unexpected strength. Discussions were underway at year's end for holding a national referendum on Montenegrin independence. The Government generally respects the constitutional provisions for an independent judiciary.

The republic police, under the authority of the Ministry of the Interior, have responsibility for internal security. A greatly reduced detachment of the Yugoslav Second Army, which is under the control of the Federal Yugoslav Government, remained in the Republic and cooperated with Montenegrin police to arrest smugglers. It cooperates well with the Montenegrin Ministry of Interior. Members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-oriented economy continued to suffer from delay and resistance. The issuance of privatization vouchers to the public was a first step towards implementing privatization; however, the voucher program itself was subject to abuse. The small industrial sector, consisting of a few large state-owned plants and smaller private enterprises is inefficient and noncompetitive. The republic's tourist and general infrastructure is poor. Official unemployment is estimated at approximately 40 percent, although a large and flourishing unofficial economy brings that figure down to approximately 22 percent. The annual per capital gross domestic product (GDP) was approximately \$950. The economy was dependent upon large amounts of foreign aid, technical assistance, and personnel.

The Republic Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police at times beat and otherwise abused citizens. Police arbitrarily arrested and detained citizens. Police infringed on citizens' privacy rights. The Government restricted freedom of the press and political parties, particularly those of the ruling coalition, retained an excessive degree of control and influence over the media that often resulted in distorted coverage of events, especially by the state media. Domestic violence and discrimination against women continued to be problems. Discrimination against religious and ethnic minorities decreased but continued to be problems. Trafficking in women and children for sexual exploitation continued to be a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivations of life committed by the Republic Government or its agents.

In January unknown assailants shot and killed Darko Raspopovic, the chief of the Montenegrin police antiterrorism unit. Raspopovic allegedly was a key player in the cigarette smuggling business.

There were no developments in the May 2000 killing of Goran Zugic, a close advisor of President Djukanovic, nor in the August 2000 killing of Milenko Vujovic.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture, and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The law prohibits torture and other cruel forms of punishment; however, the police reportedly at times beat and otherwise abused persons.

Police abused suspects during arrest or while suspects were detained for questioning. For example, on April 16, police arrested Miodrag Gajovic in Danilovgrad for robbery and violent behavior. He was confined for 72 hours and reportedly subjected to torture and harsh beatings. In May Gajovic described the police actions to a High Court judge in Podgorica; however, no action was taken against the officers involved by year's end. On April 25, two policemen brutally beat a law student because he failed to show them due deference as he entered a bakery in Podgorica. He suffered a concussion and other serious injuries. The Center for Democracy and Human Rights reported that no action was taken to punish the officers involved. In June in Bijelo Polje, police detained, interrogated, and abused Radislav Popovic. On August 11, police brought Igor Borisic to a police station after having accused him of talking too loudly, and beat him severely. A criminal complaint against the officers was filed. The police brought charges against Borisic for "assaulting an officer;" however, no action was taken to investigate the police misconduct. On August 28, police beat and kicked two horse traders, Fahrudin Huremovic and Rade Paunovic, at a market place near Podgorica. The incident led to a complaint by a local Helsinki Committee activist. During the summer, authorities beat two persons near Plav. An NGO alerted the Interior Minister and the police were reprimanded. In September a policeman assaulted a woman and her children and detained them for more than 2 days. The policeman was arrested and was awaiting trial at year's end. On October 10, police physically assaulted six members of the Kosovo Police Service (KPS) who had pursued a suspect's vehicle from Kosovo into Montenegro. The police took the KPS members into custody and beat them; two of the KPS officers were hospitalized as the result of their injuries.

Special police in plain clothes were involved in violence against opposition supporters. In one case, the police assaulted an opposition member at a political rally. In Bijelo Polje, plainclothes police beat one member of the People's Party (NS), held other members at gunpoint, and vandalized the NS offices. Calls to the local police for assistance were not answered.

Police were involved in trafficking and took bribes at border checkpoints (see Section 6.f.).

Prison conditions generally meet international standards; however, problems remained and prison facilities are antiquated. Incidents of brutality and other abuses occurred but were rare. Women are held separately from men. Juveniles are held separately from adults, as are pretrial detainees from convicted criminals.

The Government permits prison visits by human rights monitors, including the International Committee for the Red Cross (ICRC) and other NGO's, and they conducted visits during the year.

d. Arbitrary Arrest, Detention or Exile

The law prohibits arbitrary arrest and detention; however, at times the police arbitrarily arrested and detained persons.

The law requires arrest warrants; however, arrest may also take place without probable cause. Under the law a suspect may be held in detention for up to 72 hours; it is within that period that most abuses occur (see Section 1.c.). There have been few publicized incidents of abuse.

In Yugoslav military authorities arrested and temporarily detained a Montenegrin journalist who had evaded the Yugoslav draft during the Kosovo war. Unlike in the previous year, there were no recorded incidents of citizens being stopped and harassed by the police applying selective traffic laws. Unlike in the previous year, one NGO reported that the practice of "informative talks," or summons to the authorities for a "chat" that might last for many hours, had stopped.

A lack of female police at police stations causes long delays in searching female suspects and in restraining violent female detainees.

The law prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. The judiciary provides citizens with a fair judicial process; however, a backlog of cases, a lack of resources, and corruption remained problems.

Although judges are poorly paid, they receive free housing, which to some extent offsets their low salaries. According to one NGO, there were many young and independent judges. The local NGO CEDEM runs seminars in which judges and lawyers from European countries participate with their Montenegrin counterparts. This training has helped to sensitize judges to following correct legal procedures. Albanian groups have complained about the lack of Albanian judges in courts.

The court system consists of local, district, and supreme courts at the republic level. There also is a military court system under the control of Federal authorities; civilians are not tried in these courts.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, and the right of appeal.

In February the Yugoslav Government passed a law that granted amnesty to conscientious objectors and draft evaders who refused to take up arms from April 27, 1992 to October 7, 2000.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, police infringed on privacy rights. There is no law on surveillance, phone tapping, or other such intrusive practices. The police reportedly used wiretapping and surveillance against opposition parties and other groups on a selective basis, and most individuals and organizations operate on the assumption that they are or could be placed, under surveillance. The law gives the Montenegrin State Security Service (RDB) opportunities to eavesdrop on citizens, especially opposition groups, and no court authorization is required. The VJ also reportedly eavesdropped on the Montenegrin Government.

In September the Government announced that it was opening secret police files from 1945-1989. However, no post-1989 files were released.

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Media and information laws do not protect freedom of the press, and libel laws, which carry criminal penalties, discourage a free press. The State media was controlled by the governing coalition, which also controlled state television and several print newspapers and magazines. News reports often are distorted. Licenses were issued to a wide range of independent radio or television stations seeking them. Lack of professionally trained staff, low professional standards, and lack of funds all hindered the development of an independent media.

The Government used libel laws to harass journalists. President Djukanovic sued Vladislav Asanin, editor of the opposition--and Serb nationalist--daily, Dan, for reprinting articles from the Croatian weekly Nacional,

which linked President Djukanovic to a group involved in cigarette smuggling. In December a court convicted and sentenced Asanin to 3 months in prison. In another complaint filed by alleged smuggler Stanko Subotic Cane, the court sentenced Asanin to a 5-month suspended sentence. Asanin appealed both verdicts and was released from prisons by year's end. The Association of Montenegrin Professional Journalists and other media groups strongly condemned Asanin's conviction.

The print media is not independent; the governing coalition effectively controls the print media, with the exception of the opposition daily, Dan. Articles and opinions from the opposition frequently are printed in special supplements or are not printed at all by media controlled by the governing coalition. Opposition groups credibly charged that President Djukanovic used the media to promote independence sentiment while not permitting anti-independence parties to make the case for remaining in a democratic Yugoslavia. Foreign periodicals and other publications from abroad are available.

The State controls the public broadcasting station, Radio/TV Montenegro. However, a wide variety of articles and programs were available, including RAI TV, Croatian State Television (HRT), the British Broadcast Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE), and other foreign broadcast services in Serbian or other languages on other broadcast media. Federal law delegates to each republic the responsibility for allocating broadcast frequencies.

The Yugoslav military stationed in Montenegro rebroadcasts YU-INFO-TV news from Serbia from transmitters located at military facilities in Montenegro. Since the end of the Milosevic regime, these broadcasts have not contained virulent anti-Montenegrin propaganda; nonetheless, the station broadcasts illegally, in violation of Montenegrin law.

Access to the Internet is unrestricted.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of peaceful assembly and association, and the Government generally respected these rights.

Political rallies routinely are held without government interference.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution specifically recognizes the existence of the Serbian Orthodox Church, but not other faiths. The Montenegrin Orthodox Church is not recognized by other Orthodox Churches and was denied recognition on that basis by the Federal Ministry. However, it is registered with the Government of Montenegro's Ministry of Interior in Cetinje, the former capital, as an NGO. The Government of Montenegro has been careful to remain neutral in the dispute between followers of the Serbian Orthodox Church and the Montenegrin Orthodox Church, but political parties have used this issue in support of their own political agendas (see Section 5).

d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation.

The Republic Constitution provides for freedom of movement and the Government generally respected this right in practice. As the result of a February amnesty (see Section 1.e.), draft evaders were able to travel freely without fear of arrest, and many have returned to the country. Unlike in previous years, the VJ did not restrict freedom of movement.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum.

There were 14,600 refugees from the former Yugoslavia (10,600 from Bosnia, 3,800 from Croatia, 300 Romas and 20 Slovenes) in the Republic. In addition there were approximately 25,000 to 30,000 internally displaced

persons from Kosovo; the majority were Serbs, but approximately 7,500 Roma were also displaced. While citizens are routinely issue travel documents, among refugees, only refugees who are leaving the country permanently are issued travel documents.

Conditions for refugees vary; those with relatives or property in the country have been able to find housing and, in some cases, employment. Many Roma refugees, on the other hand, live in collective centers, with only limited access to health care and education. One of the major problems for Roma children is their lack of knowledge of the Serbian language, and there are no schools teaching in the Roma language.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: the Right of Citizens to Change their Government

The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair.

A parliamentary election held on April 22 resulted in a narrow victory for the ruling coalition of the Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP). The Organization for Security and Cooperation in Europe (OSCE) observed the elections and found them to be generally free and fair; however, some problems remained. The OSCE reported that during the campaign, State media were biased toward the Government, and all of the private media openly supported one of the major parties or coalitions. The OSCE also received complaints from two police officers that they were dismissed as a result of their political affiliation. In at least two confirmed incidents, special police in plain clothes were involved in violence against opposition supporters (see Section 1.c.). Plainclothes police were present at DPS rallies, and DPS campaign materials were prominently displayed in some police stations.

The pro-Yugoslav coalition has, on occasion, used antiminority rhetoric in arguing that non-Slavs should not be allowed to determine whether Montenegro achieves independence. Serb nationalists attempted to intimidate Muslim voters, particularly in the Sandzak region, by distributing pamphlets to the Muslim community. Heavily-armed police units of the VJ in Montenegro have made periodic visits to areas populated by Muslims to intimidate citizens; however, no violent incidents were reported.

The DPS and SDP parties had hoped for a substantial victory so that they could proceed with a referendum to achieve Montenegro's independence. As a result of the close outcome, the guidelines for such a referendum, including the minimum required voter turnout, the margin of victory required, voter eligibility, and other pertinent questions were not negotiated by year's end. The Government announced that it plans to hold the referendum vote during the spring of 2002; however, without agreement on the terms and conditions of the referendum, there are doubts that all sides would accept the referendum as valid or if it would take place at all.

Unlike in the past year, Montenegrins participated in the Federal Parliament, although some parties continued to boycott participation.

The percentage of women in government and politics does not correspond to their percentage in the population, although there are no legal restrictions on women's participation. The President of the Montenegrin Parliament is a woman; however, there are only 3 female deputies in the 78-seat parliament.

The percentage of minorities in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on the participation. Ethnic Montenegrins and Serbs dominate the republic's political leadership. Ethnic Albanians participate in the political process, and their parties, candidates, and voters participated in the April elections, as did Bosniaks (Slavic Muslims). Members of the ethnic Albanian and Bosniak (Muslim) minorities are represented in the Government; however, their numbers are few in government and public service positions. Approximately 70 polling stations were designated to serve the Albanian minority in the April elections, which is approximately 7 percent of the population. The five seats allocated to ethnic Albanians also represent approximately 7 percent of the total seats in Parliament; however, the OSCE charged that these five seats were allocated with insufficient transparency. Several ministerial and deputy ministerial positions in the coalition government are held by ethnic Albanians and Muslims.

Section 4 Government Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights.

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Republic officials were somewhat cooperative and responsive to their views. There are an estimated 1,300 NGO's operating in the republic of which a substantial number are work in the field of human rights. These include the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and the National Democratic Institute. NGO's have been credited with helping to bring about, by their presence and activities, an overall decline in police brutality and incidents of abuse against citizens.

The Government's cooperation with the ICTY during the year was mixed. While the Government generally has been cooperative in providing information to the Tribunal, it has not arrested or transferred any indicted war criminals. In October the Montenegrin Government cooperated in the surrender of General Pavle Strugar, who was indicted by the ICTY for war crimes committed in Dubrovnik in 1999. On June 20, Vladimir Vlahovic, a Montenegrin imprisoned on local court charges for crimes in Bosnia, including murder, rape, kidnap and torture, escaped from prison at year's end he had not been reaprehended. Montenegrin authorities had refused to extradite Vlahovic to Bosnia, but had agreed to try him in Montenegro.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religious or social status, or gender; however, in practice the Government provides little protection for such groups.

Women

The traditionally high level of domestic violence persisted, particularly in rural areas. The few official agencies dedicated to coping with family violence have inadequate resources and are limited by social pressure to keep families together. Victims of spousal abuse rarely file complaints with the authorities.

Trafficking in women for prostitution was a growing problem (see Section 6.f.). A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against women.

Sexual harassment was a problem. Women do not enjoy a status equal to that of men and few women hold upper level management positions in government or commerce. However, increasing numbers of women are serving as judges, and there were many women in professional fields such as law, science, and medicine. Women legally are entitled to equal pay for equal work; however, in practice they do not always receive it. Women are allowed 12 to 18 months of maternity leave. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination in the home. In some rural areas, particularly among minority communities, women do not have the ability to exercise their right to control property or the ability to have legal responsibility for their children. Divorce occurs, but infrequently. Women are active in human rights organizations.

Children

The Government attempts to meet the health and educational needs of children, but insufficient resources impeded this goal. The educational system provides 8 years of mandatory schooling. Although ethnic Albanian children have access to instruction in their native language, some Albanians have criticized the Government for not also developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children receive little or no education beyond the primary school level.

There is no societal pattern of abuse against children. However, according to a Council of Europe report, the law does not allow a juvenile to make an allegation of a crime without a parent or guardian present. Consequently, there is almost no reporting of child abuse or incest. A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against children.

There is no requirement for a juvenile suspect to have an adult present during interrogation. However, if a juvenile faces a sentence of 5 years or more, an attorney must be present during the interrogation. Some aspects of Federal rules on the treatment of juveniles were changed in November.

Trafficking in girls for the purpose of prostitution was a growing problem (see Section 6.f.).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision

of state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice; however, facilities for persons with disabilities are inadequate. There was societal discrimination against persons with disabilities.

Religious Minorities

Religion and ethnicity are so closely intertwined as to be inseparable. Relations between and with religious minorities are generally peaceful; however, tensions continued between the Serbian Orthodox Church and the Montenegrin Orthodox Church. Pro-Serbian political parties strongly support moves for the establishment of an official state religion, while proindependence parties have pushed for the recognition of the Montenegrin Orthodox Church. At the end of the year, the highest-ranking Serbian Orthodox Church official in Montenegro, Archbishop Amfilohije, implied in public statements that supporters of independence should be crucified; the Archbishop subsequently stated that he had been misunderstood. The Montenegrin Orthodox Church has claimed property holdings of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church rejected the property claims. The Serbian Orthodox Church frequently has publicly criticized the Pentecostal Church; however, no violent incidents were reported during the year. There have been several incidents reported in which the religious practices of members of the Montenegrin Orthodox Church were interfered with. However, such incidents appear to have occurred less frequently than in the previous year.

Seventh-Day Adventists and members of Jehovah's Witnesses are officially registered religions in the republic, and Jehovah's Witnesses regularly proselytize without incident. Unlike the previous year, there were no reported problems during the year with the Serbian Orthodox Church regarding the construction and renovation of Jehovah's Witnesses' or Seventh-Day Adventists' church buildings.

On November 5, vandals threw rocks and broke the windows of a historic mosque in Pljevlja. This is the first such incident reported in this Muslim inhabited area of Montenegro.

National/Racial/Ethnic Minorities

Societal discrimination against ethnic minorities persisted. For example, while there is no official discrimination against the Romani population, prejudice against them is widespread. Local authorities often ignore or condone societal intimidation or ill treatment of members of the Romani community.

Thirty-four percent of the police force is made up of Muslims; many of the Muslim police officers are deployed in a predominantly Muslim area in the north commonly referred to as the Sandzak area.

Section 6 Worker Rights

a. The Right of Association

All workers except military and police personnel have the legal right to join or form unions, and most if not all of the workforce in the official economy is organized. Both official, government-affiliated unions and independent unions exist. Because the independent labor movement largely is fragmented, there have been few tangible results in the form of improved working conditions or higher wages. A general lack of resources within the economy also acted as a restraint.

Strikes were frequent during the year, mainly caused by the economic situation, unpaid salaries, manipulation and fraud in the privatization process, and denial of union rights. In May dissatisfied workers, including at the Bokeljka Factory in Kotor, started blocking main roads in order to pressure the authorities to meet their demands.

Unions may affiliate with international labor organizations; however, access to international labor unions is limited.

b. The Right to Organize and Bargain Collectively

The law provides for the right of collective bargaining; however, collective bargaining remains at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally center on advancing the needs of a specific group of workers. Job security fears prevail as a result of the high unemployment rate, and these fears limit the unions' willingness to take action. Another factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for

relatively few existing jobs.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and bonded labor; trafficking in women for prostitution was a problem (see Section 6.f.).

The law prohibits forced and bonded labor of children; however, trafficking in girls for prostitution was a problem (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for

Employment

The official minimum age for employment is 16 years, although in farming communities, it is common to find younger children assisting their families. Children also can be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes or newspapers. The high unemployment rate ensures that there is little demand for child labor in the formal sector.

The law prohibits forced and bonded labor of children; however, trafficking in girls for prostitution was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The minimum wage is \$47 (100DM) per month, and large government enterprises, including all of the major banks and industrial and trading companies, generally observe this wage. The minimum wage is comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage is approximately \$175 (400DM) per month, with a disposable average wage (after social contributions and payroll taxes) of approximately \$90 (220DM) per month. This amount is insufficient to provide a decent standard of living for a worker and family. The latest available data suggests that households spent almost all of their resources on basic needs, such as food, clothing, and housing. The official workweek is 40 hours.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons

The Montenegrin Criminal Code does not specifically address trafficking in persons and trafficking was a growing problem. There were reports that Montenegrin authorities facilitated trafficking.

The Republic primarily was a transit point for trafficked women and children; but also was a destination point. Women were trafficked from Romania, Ukraine, Moldova, China and Russia, often through Belgrade and on to Italy, other European countries, and Kosovo. Some women also were trafficked through Montenegro to Albania and then on to other European countries. Trafficking steadily has increased since the Kosovo war; however, precise figures on the number of women and children trafficked through Montenegro are not available.

Trafficked women often respond to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may be aware that they are going to work in the sex industry, they often are unaware of the slavery-like conditions they may face. Many women are sold several times in different countries to different nightclub owners. Their passports often are confiscated. Women have reported being beaten and raped by their traffickers.

The International Helsinki Federation reports that police and local authorities do little to stop trafficking and often are clients of the nightclubs that keep trafficked women as prostitutes. There have been allegations, denied by the Montenegrin Government, that some Montenegrin authorities have colluded in trafficking by taking bribes.

Traffickers rarely were prosecuted.

During the year, the police, in coordination with the OSCE, trained a special police unit to deal with human trafficking. The unit was operational and conducted several raids during the year.

The Government does not provide any services to victims. Women found during police raids of bars and nightclubs during the year often were prosecuted for prostitution and deported after serving their sentences; however, their sentences generally were short. The Government, as a rule, repatriates victims. However, a number of international donors have funded programs. For example, with the close cooperation of the relevant Montenegrin ministries, the OSCE has formulated a Victim's Protection Program. The program calls for a four-pronged program of police awareness, victim assistance including return, law enforcement and data collection. Deportation of victims assisted by the OSCE program only takes place after counseling and an evaluation of conditions in the country of origin. One NGO reported that the program already has led to the rescue of 12 women and the repatriation of 8 of them. A foreign government funded a program that emphasized education, awareness, and making clients understand that they are dealing with victims of forced labor. This program also reportedly addressed the problem of corrupt border officials. So far the program has resulted in the return of 800 women from the Balkan region to Moldova, Romania and the Ukraine. A small number of NGO's work on trafficking. There is at least one shelter for victims. General awareness of the problem was low.

¹ Throughout this report, dual town names are given: The Serb town name, followed by the Albanian name, except where towns universally are known by one name.